



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

पृष्ठ 28

शिमला, शनिवार, 24 नवम्बर, 1973/3 अग्रहायण, 1895

[संख्या 47]

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24 नवम्बर, 1973/3 अग्रहायण, 1895 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 6-20/65-Elec. II, dated the 14th November, 1973.	Election Department	Publication of Election Commission of India's Notifications No. 429/HP/73, dated the 20th October, 1973 and No. 429/HP/73 (I), dated the 20th October, 1973 in English and Hindi version.
No. 6-4/72-GAD (CC), dated the 18th November, 1973.	General Administration Department	Removal of Dr. Salig Ram from the office of the Minister.
No. 5-5/71-GAD (CC)-I, dated the 18th November, 1973.	-do-	Allocating to the Chief Minister certain portfolios till further orders.
No. 5-5/71-GAD (CC)-I, dated the 18th November, 1973.	-do-	Attaching the Parliamentary Secretary with the Chief Minister for work relating to Agriculture Department.
No. 1-23/73 Panch. dated the 21st November, 1973.	Panchayati Raj Department	Constituting certain Zila Parishads in different districts.
No. 4-2/71-CDP(PNT)-II, dated the 21st November, 1973.	-do-	The Himachal Pradesh Panchayat Samitis (First Amendment) Rules, 1973.

भाग 1—बैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार

PERSONNEL (A-I) DEPARTMENT NOTIFICATIONS

Simla-2, the 7th November, 1973

No. 1-15/73-DP-Apptt. (I).—The Governor, Himachal Pradesh is pleased to order that Shri H. S. Dubey, Commissioner-cum-Secretary (PWD & Transport) to the Government, Himachal Pradesh shall also look after the work of the post of the Agricultural Production Commissioner, Himachal Pradesh in addition to his own duties during the absence of Shri K. C. Pandeya, I.A.S., who has proceeded on foreign tour to participate as Member of State Government Delegation, constituted for conducting negotiation for the Himachal Pradesh Apple Marketing and Processing Credit Project.

U. N. SHARMA,
Chief Secretary.

Simla-2, the 7th November, 1973

No. 3-29/72-DP-Apptt.—The Governor, Himachal Pradesh is pleased to accord *ex-post-facto* sanction to the grant of Leave Travel Concession in favour of Kumari Renu Sahni, IAS, while posted as Sub-Divisional Magistrate, Palampur, who proceeded on 18 days' earned leave with effect from the 26th December, 1972 to 12th January, 1973, sanctioned to her vide this department's notification of even number, dated the 6th February, 1973, to her Home Town viz., Delhi, as admissible under the rules.

Simla-2, the 8th November, 1973

No. 3-24/67-Apptt.—The Governor, Himachal Pradesh, is pleased to accord *ex-post-facto* sanction to the grant of 7 days earned leave with effect from 18th October to 24 October, 1973 with permission to suffix gazetted holiday falling on the 25th October, 1973 in favour of Shri S. Padmanabhiiah, S.D.O. (Civil), Nalagarh, subject to verification of title to leave admissible to him.

2. Certified that Shri S. Padmanabhiiah would have continued to officiate against the post but for his proceeding on leave mentioned above.

3. Certified that Shri S. Padmanabhiiah has returned to the station from where he had proceeded on leave.

Simla-2, the 8th November, 1973

No. 3-50/70-DP-Apptt.—The Governor, Himachal Pradesh, is pleased to accord sanction to the grant of 14 days earned leave with effect from the 5th September, 1973 to 18th September, 1973 in favour of Shri P. S. Negi, IAS, Joint Secretary (Home & GAD) to the Government of Himachal Pradesh.

2. Certified that Shri P. S. Negi has returned to duty to the station from where he proceeded on leave.

3. The Governor, Himachal Pradesh is further pleased to order that during the absence of Shri Negi on leave, Shri A. K. Goswami, IAS, Joint Secretary (Personal) to the Government of Himachal Pradesh shall hold

the charge of the post of Joint Secretary (Home & GAD) to the Government of Himachal Pradesh, in addition to his own duties.

This supersedes this department's notification of even number, dated the 14th September, 1973.

Simla-2, the 9th November, 1973

No. 3-31/71-DP-Apptt. (I).—In supersession of this Department's 2 notifications of even number, dated the 2nd July, 1973, and 29th September, 1973, the Governor, Himachal Pradesh, is pleased to accord sanction to the grant of 32 days earned leave in favour of Shri C. D. Parsheera, IAS, Deputy Commissioner, District Kinnaur, Kalpa, with effect from the 3rd August, 1973 to 3rd September, 1973.

2. Certified that Shri Parsheera was returned to duty to the station from where he proceeded on leave.

3. Certified that Shri C. D. Parsheera would have continued to hold the post of Deputy Commissioner, Kalpa, but for his proceeding on 32 days earned leave.

4. The Governor is further pleased to order that Shri Raj Mani, Sub-Divisional Magistrate, Pooh, shall hold the charge of the post of Deputy Commissioner, Kinnaur, during the absence of Shri C. D. Parsheera on leave, in addition to his own duties.

Simla-2, the 9th November, 1973

No. 3-54/71-Apptt.—The Governor, Himachal Pradesh is pleased to accord sanction to the grant of 30 days earned leave with effect from 1-11-1973 to 30-11-1973 in favour of Shri R. L. Mehta, S.D.O. (Civil), Joginder-nagar, District Mandi.

2. Certified that Shri Mehta would have continued to officiate against the post of S.D.O. (Civil), Joginder-nagar, but for his proceeding on leave referred to above.

3. Certified that Shri Mehta is expected to return to duty to the station from where he is to proceed on leave.

A. K. GOSWAMI,
Joint Secretary.

COMMUNITY DEVELOPMENT DEPARTMENT

NOTIFICATION

Simla-4, the 6th November, 1973

No. 4-229/67-E-Dev.—The Governor, Himachal Pradesh is pleased to allow Shri Ishwar Dass Sood, Block Development Officer to cross the efficiency bar at the stage of Rs. 590 in the pay scale of Rs. 350-25-500-30-590/30-800 thereby raising his pay to Rs. 620 P. M. with effect from the 8th August, 1972.

P. K. MATTOO,
Secretary.

FINANCE (REGULATION) DEPARTMENT

NOTIFICATIONS

Simla-2, the 18th October, 1973

No. 1-1/73-Fin (Reg.).—The Governor, Himachal Pradesh, is pleased to declare all the Sub-Divisional Officers (Civil), as Controlling Officers for the purpose of T.A. under Head "37-Community Development Project N.E.S. and Local Development Works-B-Community Development Projects, National Extension Service and Local Development Works" in respect of Block Development Officers powers in their respective jurisdiction.

Simla-2, the 18th October, 1973

No. 1-1/73-Fin (Reg.).—The Governor, Himachal Pradesh is pleased to order that the Resident Commissioner for Himachal Pradesh in Delhi will be his own Controlling Officer under Head "19-General Administration A-General Administration A-2 Secretariat and Attached Offices-A-2 (1)-Civil Secretariat-A-2 (1) (1) Civil Secretariat-A-2 (1) (1) Pay of Officers" for Travelling Allowance purposes.

Simla-2, the 8th November, 1973

No. 1-1/73-Fin. (Reg.).—The Governor, Himachal Pradesh is pleased to declare the Professor and Head of Faculty of Pathology, Himachal Pradesh Medical College as Disbursing Officer under Head "29-Medical-A-4-Medical College and Schools-A-4(2)-Medical College (Plan and Non-Plan), till the Administrative Officer, Himachal Pradesh Medical College, who is proceeding on leave, joins his duty.

N. C. KAUSHAL,
Deputy Secretary.

FOREST DEPARTMENT

CORRIGENDUM

Simla-2, the 6th November, 1973

No. 1-239/69-SF (Estt.).—In this Department Notification No. 1-1/72-SF (Estt)-II, dated 29-8-1973 word "Jatog" may please be substituted by word "Kasauli".

K. R. SHANDIL,
Under Secretary.

HEALTH AND FAMILY PLANNING DEPARTMENT

NOTIFICATIONS

Simla-2, the 19th October, 1973

No. 1-172/73-H&FP.—The Governor, Himachal Pradesh is pleased to appoint Dr. Satish Chander Gautam as CAS Grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of three months from 7-7-73 (F. N.) or till the post is filled up on regular basis which ever is earlier.

Simla-2, the 19th October, 1973

No. 1-177/73-H&FP.—The Governor, Himachal Pradesh is pleased to appoint Dr. Surat Singh as CAS Grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of three months from 27-6-73 (F. N.) or till the post is filled up on regular basis which ever is earlier.

Simla-2, the 3rd November, 1973

No. 1-5/72-H&FP.—The Governor, Himachal Pradesh is pleased to accept the resignation of Dr. Vinod Kumar Gupta [(A.S.-Grade-I (G))] with effect from 25-8-1973 (A. N.).

A. D. DHANTA,
Under Secretary,

INDUSTRIES DEPARTMENT

NOTIFICATION

Simla-2, the 19th October, 1973

No. 2-94/69-SI.—Whereas the Governor, Himachal Pradesh is satisfied that public interest so requires;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor, Himachal Pradesh is pleased to declare the Mandi-Kulu Road Transport Corporation, Mandi, a public utility service in Himachal Pradesh for the purpose of the said Act for a further period of 6 months with effect from 21st October, 1973 to 20th April, 1974.

By order,
P. K. MATTOO,
Secretary.

REVENUE DEPARTMENT

NOTIFICATIONS

Simla-2, the 2nd October, 1973

No. 2-75/67-Rev-I.—The Financial Commissioner Himachal Pradesh is pleased to allow Sh. Duni Sing Gulera, Tehsildar, Palampur, District Kangra to cross the efficiency bar at the stage of Rs. 590 in the scale of Rs. 350-25-500-30-590/30-800 with effect from 25-8-73 raising his pay from Rs. 590 to Rs. 620 p.m.

Simla-2, the 6th November, 1973

No. 2-38/65-Rev-A.—In partial modification of the Department's notification of even number, dated the 16th October, 1973, the Financial Commissioner Himachal Pradesh is pleased to order the following postings and transfers of the Tehsildars with immediate effect.

effect in the public interest:

Sl. No.	Name of Tehsildar	From	To
1.	Shri Prem Singh	Sunder Nagar Distt. Mandi.	Kangra Settlement Baijnath Circle vice Shri Moti Ram.
2.	Shri Raj Gopal Sharma.	Kalpa, Distt. Kinnaur.	Palampur, Distt. Kangra vice Shri Duni Singh transferred.
3.	Shri Duni Singh	Palampur, Distt. Kangra.	Chamba Sadar vice Shri Brinjender Mohan transferred.
4.	Shri Brijender Mohan.	Chamba Sadar.	Spiti Distt. L and S vice Sh. Chhering Ram.
5.	Shri M. C. Chauhan	Chopal, Distt. Simla.	Theog, Distt. Simla vice Sh. D. R. Hazri, transferred.
6.	Shri D. R. Hazri	Theog, Distt. Simla.	Arki, Distt. Solan vice Shri L. R. Dhauta.

2. The transfer of S/Shri Mangu Ram, Tehsildar, Lahaul and Chet Ram, Tehsildar, Office of the L. A. O. III Beas Dam Project, Talwara ordered vide this Department's notification of even number dated the 16th October, 1973 is hereby cancelled.

By order,
S. R. MAHANTAN,
Deputy Secretary.

CORRIGENDUM

Simla-2, the 6th November, 1973

Subject: Cancellation of declaration made under section 14(1) of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 in respect of village HANOH, Tikka Mewa, Tehsil and District Hamirpur, Himachal Pradesh.

No. 9-18/69-Rev. II(P).—In this department notification No. 9-18/69-Rev. II(P), dated the 6th September, 1973, substitute the year of the Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation) Act, as "1971" instead of "1671".

By order,
L. HMINGLIANA TOCHHAWNG,
Secretary.

NOTIFICATION

Simla-2, the 7th November, 1973

No. 2-27/73-Rev. I.—In exercise of the powers conferred by sub-section (1) of section 9 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (Act No. 15 of 1954), the Governor, Himachal Pradesh is pleased to appoint Shri R. N. Bansal, Sub-Divisional Officer (Civil), Simla, as Compensation Officer to carry out the purposes of the said Act including partitions, operations in holdings, assessment of compensation and settlement of disputes between the landowners and their tenants, within the local limits of Simla district, from the date he took over the charge of the post.

By order,
S. R. MAHANTAN,
Deputy Secretary.

TRANSPORT DEPARTMENT

NOTIFICATIONS

Simla-2, the 7th November, 1973

No. 2-36/69-Tpt.—Consequent upon his reversion from the Government of India, Ministry of Health and Family Planning from 31-10-1973, the Governor of Himachal Pradesh is pleased to post Shri I. C. Mahajan to his substantive post of Deputy General Manager (Works) in Himachal Government Transport, Simla.

2. The Governor of Himachal Pradesh is further pleased to revert Shri Ajeet Kumar officiating Deputy General Manager (Works) to his substantive post of Works Manager, Himachal Government Transport, Simla.

Simla-2, the 9th November, 1973

No. 2-37/73. Tpt.—Consequent upon the posting of Shri S. Nigam, H.A.S. as Manager (Transport), the Governor, Himachal Pradesh is pleased to appoint Shri B. S. Handa formerly Manager (Head Office), as P. A. to Commissioner Transport, Himachal Pradesh in the pay scale of Rs. 350-1000 from the date Shri S. Nigam has joined as such, till such time Shri Y. D. Sharma, P.A. to Commissioner of Transport, Himachal Pradesh resumes his duties.

2. Shri B. S. Handa will revert to his substantive post, from the date Shri Y. D. Sharma resumes his duties as P.A. to Commissioner of Transport.

H. S. DUBEY,
Secretary.

भाग 2-वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनायें

इत्यादि

DIRECTORATE OF CO-OPERATION

OFFICE ORDER

Simla-4, the 10th October, 1973

No. 6-340/68-Co-op. (T&M).—Whereas the term of the Administrator of Simla Central Co-operative Consumers Store Ltd; Simla issued vide order No. 6-340/68-Co-op., dated the 24th July, 1972 has expired on 23-7-1973.

Now, therefore, in exercise of the powers vested in me as Registrar, Co-operative Societies, Himachal Pradesh under section 37(1)(b) of the Co-operative Societies Act, 1971, I, B. D. Thapar Registrar, Co-operative Societies hereby further extend the term of the Administrator for further period of one year w. e. f. 24-7-1973.

It is, further, ordered that henceforth the District Co-operative and Supplies Officer (Special), Himachal Pradesh Shri L. C. Kapoor, will work as an Administrator of the Simla Central Co-operative Consumers Store Ltd; Simla to manage the affairs of the Store.

B. D. THAPAR,
Registrar.

OFFICE OF THE DISTRICT MAGISTRATE MANDI DISTRICT, MANDI (H. P.)

NOTIFICATION

Mandi, the 26th October, 1973

No. 26-MD-(22)/72-IV-18937.—In exercise of the powers vested in me under section 74 of the Motor Vehicle Act, R. K. Anand, District Magistrate, Mandi, I, do hereby fix the following barrier timings at Pandoh-Aut road between 223 to 229 kilometre stone during the period 1-11-1973 to 31-12-1973:—

Pandoh at 223 kilometre stone	Aut at 229 kilometre stone
8 A. M.	8 A. M.
12.15-Noon	12.15-Noon
5.00 P.M.	5.00 P.M.

There will be no barrier timing between 5 P.M. to 8 A.M.

There will also be no barrier timings on 7th, 14th, 21st and 28th of every month.

ORDER

Mandi, the 2nd November, 1973

No. 26 MD-(22)/72-IV-19211.—In partial modification of this office notification No. 26 MD-(22)/72-IV-18937, dated the 26th October, 1973, I, R. K. Anand, District Magistrate, Mandi District do hereby order that the barrier

at Pandoh-Aut road will be fixed at 227 kilometre stone instead 223 Kilometre stone.

R. K. ANAND,
District Magistrate.

FOOD AND SUPPLIES DEPARTMENT NOTIFICATION

Hamirpur, the 5th November, 1973

No. IS-HMP-181/29-90/MA.—In exercise of the powers vested in me under clause 2(b) of the Himachal Pradesh Salt (Distribution and Price Control) Order, 1971, I, Lal Singh, District Magistrate, Hamirpur district, Himachal Pradesh, hereby authorise the District Food & Supplies Officer, Hamirpur district, Himachal Pradesh to exercise the powers of the District Magistrate under provisions of Himachal Pradesh (Distribution and Price Control) Order, 1971, within Hamirpur district as amended from time to time.

LAL SINGH,
District Magistrate.

FOREST DEPARTMENT NOTIFICATION

Nichar, the 10th October, 1973

No. C.O. 171-32/1.—In exercise of the powers vested in me under Rule 9 of the Sutlej River Rules notified under Himachal Pradesh Government notification No. 29-256/48, dated 12th July, 1949, the following rates of the fees for launching and floating of timber in Sutlej River and its tributaries within the territory of Kinnaur Forest Division are fixed for the year 1st July, 1973 to 30th June, 1974:—

Sl. No.	Description of timber	Rate per unit
1.	Logs of all kinds.	15 paise each
2.	B.G. sleeper & sawn, scantlings of all descriptions.	10 paise each.
3.	Hakries of all description.	5 paise each.
4.	Quarter rates are to be charged for logs of all kinds with a girth of less than 0.76200 metres (2 feet) & length of more than 1.82880 metres (6 feet) and also for logs less than 6 feet in length but more than 0.76200 metre (2'-6" in girth.	

BALDEV SINGH,
Divisional Forest Office
Kinnaur Forest Division, Nichar.

INDUSTRIES DEPARTMENT

FORM 'Q'

FORM OF NOTICE UNDER SECTION 24

Bilaspur, the 2nd November, 1973

No. BP/DIO/Loan/208/73/2244-3.—Whereas a notice for served on Sadiq Mohmand, H. No. 96, Diara Sector, Bilaspur, H. P. on the 31st March, 1972, under section 23/35 of the H. P. State Aid to Industries Act, 1971 calling upon the said Shri Sadiq Mohmand to pay to me the sum of Rs. 1428.58 and interest due before 15th April, 1972

and whereas the said sum has not been paid, I hereby declare the sum of Rs. 1428.60 is due from the said Sadiq Mohmand and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

House double storyed consisting 14 rooms standing on land comprising at Khasra No. 108/59 situated Village Kohlwin, P. O. Raghunathpura, Tehsil Sadar, District Bilaspur belonging to Shri Naranjan Singh s/o Shri Bhagwan Singh surety of the loan.

C. M. MADHUR,
District Industries Officer, Bilaspur.

FORM 'Q'

FORM OF NOTICE UNDER SECTION 24

Bilaspur, the 2nd November, 1973

No. BP/DIO/Loan/244/73/2254-5.—Whereas a notice was served on Sh. Sukh Ram s/o Shri. Nand Lal, Village Oel, Teh. Sadar, Distt. Bilaspur, H. P. on the 16th December, 1971, under section 23/35 of the H. P. State Aid to Industries Act, 1971 calling upon the said Shri Sukh Ram to pay to me the sum of Rs. 325 before 30th December, 1971 and whereas the said sum has not been paid, I hereby declare the sum of Rs. 2,403 is due from the said Sukh Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

Personal sureties

Smt. Padma Vati w/o Din Dayal, H. No. 58-A Main Market, Bilaspur.

2. Sh. Sihnu Ram s/o Gajjan, Vill. Oel, P. O. Bilaspur.
Both the sureties are requested to get the payment released from the loanee failing which the same will be recovered from them as per the agreement executed.

C. M. MADHUR,
District Industries Officer, Bilaspur.

FORM 'Q'

FORM OF NOTICE UNDER SECTION 24

Bilaspur, the 2nd November, 1973

No. BP/DIO/Loan/243/73/2234-3.—Whereas a notice was served on Sh. Mool Chand s/o Ram Ditta V.&P.O. Ranikotla, Teh. Sadar, Distt. Bilaspur on the 11th December, 1971, under section 23/35 of the H.P. State Aid to Industries Act, 1971 calling upon the said Shri Mool Chand to pay to me the sum of Rs. 357 and interest due before 31st December, 1971 and whereas the said sum has not been paid, I hereby declare the sum of Rs. 1,201.50 is due from the said Sh. Mool Chand and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

Selfowned machinery of composite unit i.e., Atta Chaki, Cotton Carding, Rice Mill installed at Ranikotla, Teh. Sadar, District Bilaspur.

C. M. MADHUR,
District Industries Officer, Bilaspur.

FORM 'Q'

FORM OF NOTICE UNDER SECTION 24

Bilaspur, the 2nd November, 1973

No. BP/DIO/Loan/270/73/2238-5.—Whereas a notice was served on Sh. Shiv Ram s/o Sangaru, V. P. O. Kandaur, Teh. Sadar, Distt. Bilaspur, H. P. on the 5th April, 1972 under section 23/35 of the H. P. State Aid to Industries Act, 1971 calling upon the said Shri Shiv Ram to pay to me the sum of Rs. 4,000 before 30th April, 1972 and whereas the said sum has not been paid, I hereby declare the sum of Rs. 4,260 is due from the said Sh. Shiv Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

Personal sureties

1. Sh. Tulsi Ram s/o Shri Sangaru, V.P.O. Kandaur, District Bilaspur, H.P.

2. Sh. Siri Ram s/o Shri Tikhu, V. P. O. Kandaur, Teh. Sadar District Bilaspur.

Both the sureties are requested to get the payment expedited, failing which the same will be recovered from them as per agreement.

C. M. MADHUR,
District Industries Officer, Bilaspur.

FORM 'Q'

FORM OF NOTICE UNDER SECTION 24

Bilaspur, the 2nd November, 1973

No. BP/DIO/Loan/231/73/2248-5.—Whereas a notice was served on Sh. Jai Kumar s/o Sh. Sita Ram, Roura Sector, Bilaspur H.P. on the 4th April, 1972, under section 23/35 of the H. P. State Aid to Industries Act, 1971 calling upon the said Shri Jai Kumar to pay to me the sum of Rs. 1,558.92 before 30th April, 1972 and whereas the said sum has not been paid, I hereby declare the sum of Rs. 3,117.85 is due from the said Sh. Jai Kumar and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

Personal sureties

1. Sh. Achhar Dev s/o Sh. Bhuri Dutt, H. No. 53, Janta Sector No. II, Roura, Bilaspur.

2. Sh. Bal Mukand s/o Sh. Jagan Nath 157, Janta Sector No. 2, Bilaspur H. P. as per the agreement executed both the sureties are requested to get the payment released from the loanee, failing which the same will be recovered from them.

C. M. MADHUR,
District Industries Officer, Bilaspur.

FORM 'Q'

FORM OF NOTICE UNDER SECTION 24

Bilaspur, the 3rd November, 1973

No. BP/DIO/Loan/253/73/2284-3.—Whereas a notice was served on Sh. Chandu Ram s/o Bishnoo Ram, Village Bandla, P.O. Jukhala, Teh. Sadar, Distt. Bilaspur on the 16th December, 1971, under section 23/35 of the H. P. State Aid to industries Act, 1971 calling upon the said Shri Chandu Ram to pay to me the sum of Rs. 325 before 31st December, 1971 and whereas the said sum has not been paid, I hereby declare the sum of Rs. 2,403 is

due from the said Shri Chandu Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

Personal sureties

1. Sh. Krishan s/o Shri Gurdas, Village Bandla, P. O. Jukhala, Tehsil Sadar, District Bilaspur.

2. Sh. Ranshi Ram s/o Sh. Ugar, Village Bandla, P. O. Jukhala, Tehsil Sadar, District Bilaspur.

Both the sureties are requested to get the amount deposited from the loanee failing which the same will be recovered from them.

C. M. MADHUR,
District Industries Officer, Bilaspur.

FORM 'Q'

FORM OF NOTICE UNDER SECTION 24

Bilaspur, the 3rd November, 1973

No. BP/DIO/Loan/240/73.—Whereas a notice was severed on Shri Tulsi Ram s/o Sh. Chandu Ram, Village Nog, Post Office Banaula, Tehsil Sadar, District Bilaspur on the 16th December, 1971 under section 23/35 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon the said Shri Tulsi Ram to pay to me the sum of Rs. 335 before 31st December, 1971 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,428 and interest thereon is due from the said Chandu Ram and that the property described in the attached schedule is liable for the satisfaction of the said debit.

SCHEDULE

Land measuring 29-10 bighas comprises at Khasra/Khautni No. 7 situated at village Dhadyana, P. O. Auhar, Belonging to Shri Chandu Ram surety of the loanee.

C. M. MADHUR,
District Industries Officer, Bilaspur.

FORM 'Q'

FORM OF NOTICE UNDER SECTION 24

Bilaspur, the 3rd November, 1973

No. BP/DIO/Loan/255/73-2278-3.—Whereas a notice was served on Shri Paras Ram s/o Shri Govind Ram, V.&P. O. Naghiar (Talai), Tehsil Ghumarwin, District Bilaspur, Himachal Pradesh on the 31st March, 1972, under section 23/35 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon the said Shri Paras Ram to pay to me the sum of Rs. 5,000 before 30-4-1972 and whereas the said sum has not been paid, I hereby declare the sum of Rs. 5,650 is due from the said Shri Paras Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

Selfowned land of the Loanee comprising at Khewat

No. 40, share 1/4, 170, 171, share 1/4, 172, 1/5, 173 share 1/5 measuring 10-17 Bighas situated in village Naghiar, Post Office Naghiar, District Bilaspur, Himachal Pradesh.

C. M. MADHUR,
District Industries Officer, Bilaspur.

FORM 'Q'

FORM OF NOTICE UNDER SECTION 24

Bilaspur the, 3rd November, 1973

No. BP/DIO/Loan/259/73/2268-5.—Whereas a notice was served on Sh. Dhani Ram s/o Sh. Shiv Ram, Village Polli, P. O. Gharan Metla, Teh. Ghumarwin, Distt. Bilaspur on the 31st March, 1972 under section 23/35 of the H. P. State Aid to Industries Act, 1971 calling upon the said Shri Dhani Ram to pay to me the sum of Rs. 6,500 before 30th April, 1972 and whereas the said sum has not been paid, I hereby declare the sum of Rs. 7,345 is due from the said Sh. Dhani Ram and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

Personal sureties

1. Sh. Sant Ram Sharma s/o Sh. Rualoo, Ram, Village Samleta, Tehsil Ghumarwin.

2. Sh. Inder Singh s/o Gopala Village Damli, P. O. Rishikesh, Tehsil Ghumarwin.

Both the sureties are requested to get the dues released from the loan failing which the same will be recovered from them as per the agreement deed executed.

C. M. MADHUR,
District Industries Officer, Bilaspur.

PUBLIC WORKS DEPARTMENT

CORRIGENDA

Solan, the 8th November, 1973

No. SE-III-G(R)61-9/72-34697-700.—The Khasra Nos. with its area as detailed below proposed to be acquired in Village Palyani, Tehsil Arki, District Solan, appearing in the notification issued under section 6 & 7 of the Land Acquisition Act, 1894 by the Secretary P.W.D. to the Government of Himachal Pradesh vide his No. 2-34/70-PWD, dated 2-6-71 may be read as under now.

Already Notified			To be readas under		
Sl. No.	Khasra No.	Area Big. Bis.	Khasra No.	Area Big. Bis.	
1.	75/2	0 2	75/2	0 5	} Newly added
2.	60/2	0 8	60/2	0 4	
			76/2	1 12	} Deleted
			71	0 3	
			73/1	0 1	} Deleted
			74/1	0 2	
			63/2	0 3	} Deleted
			61/1	0 2	

Solan, the 8th November, 1973

No. SE-G(R)61-8/73-34704-7.—The Khasra Nos. with its area as detailed below proposed to be acquired in Village Chhachhi, Tehsil Nalagarh, District Solan, appearing in the notification issued under section 6 & 7 of the Land Acquisition Act, 1894, by the Secretary P.W.D. to Government of Himachal Pradesh vide

his No. 2-34/70-PWD, dated 29-4-1971, may be read as under now.

Already Notified				To be read as under			
Sl. No.	Khasra No.	Area Biga Bis.		Khasra No.	Area Biga Bis.		
1.	167/1	0 8		167/1	0 9		
2.	168/1	0 15		168/1	0 7		
3.	169/1	0 3		169/1	0 2		
4.	176/1	0 13		176/1	0 11		

Solan, the 8th November, 1973

No. SE-III-G(R)61-8/73-34724-27.—The Khasra Nos. with its area as detailed below proposed to be acquired in Village Dharmana, Tehsil Nalagarh, District Solan, appearing in the notification issued under section 6&7 of the Land Acquisition Act, 1894, by Secretary PWD to the Government of Himachal Pradesh vide his No. 2-34/70-PWD, dated 29-4-71, may be read as under now:—

Already Notified				To be read as under			
Sl. No.	Khasra No.	Area Biga Bis.		Khasra No.	Area Biga Bis.		
1.	6/1	13 12		6/1	22 3		

Solan, the 8th November, 1973

No. SE-III-G(R)61-15-73-34701-3.—The Khasra No. with its area as detailed below acquired in Village Shewla, Tehsil Solan, District Solan, appearing in the notification issued under section 6&7 of the Land Acquisition Act, 1894, vide Secretary PWD to the Government of Himachal Pradesh vide under his No. 2-34/70-PWD, dated 16-9-71 may be read as under now:—

Already Notified				To be read as under			
Sl. No.	Khasra No.	Area Biga Bis.		Khasra No.	Area Biga Bis.		
1.	70/1	2 1		70/1	2 4		

Solan, the 8th November, 1973

No. SE-III-G(R)61-9/73-34681-84.—The Khasra Nos. with its area as detailed below proposed to be acquired in Village Dhamlana, Tehsil Arki, District Solan, appearing in the notification issued under section 6&7 of the Land Acquisition Act, 1894, by the Secretary Public Works Department to the Government of Himachal Pradesh vide his No. 2-34/70-PWD, dated the 2nd, June,

1971, may be read as under now:—

Already notified				To be read as under			
Sl. No.	Khasra No.	Area Biga Bis.		Khasra No.	Area Biga Bis.		
1.	9/1	1 3		9/1	0 10		
2.	19/2	1 8		19/1	1 5		
3.	10/1	0 7		10/1	0 10		
				1/2	0 10		Newly
				18/1	0 5		added
				27/1	0 2		Deleted.

Solan, the 8th November, 1973

No. SE-III-G(R)61-9/73-34685-88.—The Khasra Nos. with its area as detailed below proposed to be acquired in Village Chathariana, Tehsil Arki, District Solan, appearing in the notification issued under section 6&7 of the Land Acquisition Act, 1894, by the Secretary Public Works Department to the Government of Himachal Pradesh vide his No. 2-34/70-PWD, dated the 2nd, June 1971, may be read as under now:—

Already notified				To be read as under			
Sl. No.	Khasra No.	Area Biga Bis.		Khasra No.	Area Biga Bis.		
1.	26/2	0 12		26/2	0 10		
2.	30/2	0 10		30/2	1 3		
3.	29/2	0 8		29/2	0 8		Deleted.

NOTIFICATION

Solan, the 12th November, 1973.

No. SE-III-G(R)61-10/73-34809-12.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Nahar-Dadahu road, it is hereby described that land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department Solan.

SPECIFICATION

District: SIRMUR

Tehsil: RENUKA

Village	Khasra No.	Area Biga Bis.
SIROO MAILA	241/202/1	2 8

M. L. BANSAL,
Superintending Engineer,
III Circle, Himachal Pradesh, PWD., Solan.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनैन्शल कमिश्नर तथा कमिश्नर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

-INDUSTRIES DEPARTMENT

NOTIFICATION

Simla-2, the 1st November, 1973

No 5-50/72-SI (Estt.).—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh in consultation with the H.P. Public Service Commission, is pleased to make the following rules in respect of the Himachal Pradesh Industries Department Class I and II (Development Cell) Services with regard to the following matters, namely:—

- (i) the method of recruitment to the Himachal Pradesh Industries Department Class I and II (Development Cell) Services;
- (ii) the qualifications necessary for appointment to such service and post; and
- (iii) the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART I—GENERAL

1. Short title.—(i) These may be called the Himachal Pradesh Industries Department Class I & II (Development Cell) Services (Recruitment, Promotion and Certain conditions of Service) Rules, 1973.

(ii) These rules shall come into force with effect from the date of publication of this notification in the Official Gazette.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context,—

- (a) 'Appointing Authority' means the Governor, Himachal Pradesh (or any other authority appointed by him for the purpose);
- (b) 'Commission' means Himachal Pradesh Public Service Commission;
- (c) 'Governor' means the Governor, Himachal Pradesh.
- (d) 'Departmental Promotion Committee' means a committee appointed by the Himachal Pradesh Government to recommend existing Officials of the Department of Industries for promotion to higher grade or class or to recommend candidates for appointments to the posts recruitment to which is not to be made on the recommendations of the Commission;
- (e) 'Direct Recruitment' means the appointment made otherwise than by promotion from amongst the members of the service or transfer of an official already in the service of the Central Government or of a State Government or of Administration of a Union territory;
- (f) 'Government' means the Himachal Pradesh Government;
- (g) 'Member' means a member of Himachal Pradesh Industries Department Class I & II (Development Cell) Services;
- (h) 'Scheduled Castes' means the castes, races or

tribes or parts or groups within caste, races or tribes specified in the Constitution (Scheduled Castes) Order, 1950, as amended by Section 19(1) read with the First Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may be amended from time to time;

- (i) 'Service' means the Himachal Pradesh Industries Department, Class I & II (Development Cell) Service;
- (j) 'Recognised University' means the University incorporated by law in the Union of India or any other University which may be declared by the Central Government to be a recognised University for the purpose of the rules.

PART-II—CONSTITUTION OF THE SERVICE & GENERAL CONDITIONS FOR APPOINTMENT

3. The service shall consist of such number of posts whether permanent or temporary, of each grade specified in Appendix 'A' as the Government may, from time to time determine, recruitment promotion to this service shall be made by the Appointing Authority, on the recommendations of the Commission or Departmental Promotion Committee as the case may be. The rates of pay may be changed by the Government from time to time as the Government may order.

NATIONALITY, ELIGIBILITY AND AGE ETC.

4. (1) A candidate for appointment to any post in the service must be:—

- (a) a Citizen of India, or
- (b) a Subject of Sikkim, or
- (c) a Subject of Nepal, or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India.

Provided that if he/she belongs to category (c) or (d) he/she must be a person in whose favour a certificate of eligibility has been by the Government of India:

Provided further that if he/she belongs to category (d) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he/she can be retained in service only if he/she become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview and he/she may also provisionally be appointed subject to the necessary certificate being given to him/her by the Government.

11. Unless he/she is already in Government Service must produce a certificate of good moral character from the Principal Academic Officer of his/her University; College or School or from the head of the educational or technical Institution last attended;

- (ii) a certificate of his/her good moral character from a Gazetted Officer of the Central or a State Government or a Member of Parliament or State Legislatures or from some respectable and trust worthy person, who can certify from personal knowledge the identity of the applicant and the correctness of the particulars furnished by him;
- (iii) a medical certificate as required by the Service Rules applicable to the other services, of the State of Himachal Pradesh which are in force or may be adopted by the State Government from time to time;
- (iv) declaration to the effect that he has not more than one living wife;
- (v) no person who has more than one wife living or who having a spouse living marries in case in which such marriage is void by reasons of its taking place during the life time of such spouse, shall be eligible for appointment to service.
- (vi) no female candidate who has married a person having already a wife living shall be eligible for appointment.

N.B. Appointment/recruitment of a person to the service shall be subject to his furnishing an affidavit to the effect that he has only one wife or in the case of a female that she has not married a man having already a living wife:

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of the rule in clause (v) above subject to observance of the Government instructions in this behalf.

(III) The minimum and maximum age limits have been shown in the Appendix 'A'.

5. *Educational qualifications method of recruitment and reservations.*—The educational qualifications and methods of recruitment are indicated in the statement appended at Appendix 'A'.

6. *Reservations.*—Such percentage of posts as may be prescribed by the Government from time to time shall be reserved for scheduled castes, scheduled tribes, and released emergency commissioned officer/ex-service men, subject to the minimum qualifications being satisfied by them.

7. *Probation of Members of service.*—(i) Members of the service, who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of two years.

Explanation.—(i) Approved Officiating service shall be taken as a period spent on probation but no member, who is officiating in any appointment shall on the completion of the prescribed probationary period be confirmed until he/she is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his/her period of probation is in the opinion of the appointing authority not satisfactory, the appointing

authority may dispense with his services or revert him/her to former post if he/she has been recruited otherwise than by direct appointment.

(iii) On the completion of the period of probation of any member, the appointing authority may confirm such member in his/her appointment subject to availability of a permanent post or if his/her work or conduct has in the opinion of the appointing authority, not been satisfactory, may dispense with his/her services, or revert him/her to his/her former post, if he/she has been appointed otherwise than by direct recruitment, or may extend the period of probation and thereafter pass such orders as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extensions, if any, shall not exceed 3 years.

8. *Seniority of members of service.*—(1) Persons appointed in a substantive or Officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall *en bloc* be senior to all others in that grade.

Explanation.—(a) For the purpose of these rules, persons who are confirmed retrospectively with effect from the date earlier than the issue of these rules, and

(b) Persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these rules, shall be considered to be permanent members of the grade.

(2) Subject to the provision of paragraph (3) below permanent members of each grade shall be ranked senior to persons who are officiating in that grade.

(3) *Direct recruitee.*—Notwithstanding the provisions of paragraph (2) above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the recommendations of the selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:

(i) Provided that the persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of the merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit:

(ii) Provided further that a person who does not join within the prescribed period shall lose his/her seniority, according to the selection and shall rank in the seniority list next to the person who joined earlier:

(iii) Provided further that he/she shall not lose his/her seniority, if the fact of his/her joining latter was caused by circumstances beyond his/her control and for the reasons to be recorded in writing,

the appointing authority is satisfied that this was so.

(4) *Promotees.*—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade an *inter se* seniority of all eligible persons shall be arranged in a separate list in the order of their date of appointment in their respective grades. Thereafter the duly constituted Department Promotion Committee or the other selecting/recommending authority shall select persons for promotion from this list and draw up a merit list which will determine the seniority of persons on promotion to the higher grade.

(5) *Relative seniority of direct recruits and promotees.*—The relative seniority of direct recruits and/or promotees shall be determined according to the rotation of vacancies reserved for direct recruits and promotees respectively.

(6) *Transfers.*—The relative seniority of persons appointed by transfer to the service from the subordinate offices or the Central Government or other departments of the State Government shall be determined in accordance with the order of their selection for such transfer. In case of officials transferred from other departments etc., the previous services will not count for purposes of seniority.

(7) *Explanatory memorandum.*—Where promotions are made on the basis of selection by a Departmental Promotion Committee or the Commission the seniority of such promotees shall be in order in which they are recommended for such promotion by the Committee or Commission. Where promotions are made on basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who has superseded him.

(8) A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules. Appointments should be made in

accordance with this roster and seniority determined accordingly.

Illustration.—Where 75% of the vacancies are reserved for promotion and 25% for direct recruitment each direct recruit shall be ranked in seniority below three promotees.

Where the quotas are 50% each, every direct recruit shall be ranked below promotee. If for any reasons a direct recruit or a promotee cease to hold the appointment in the grade, the seniority list shall, not be re-arranged merely for the purpose of ensuring the proportion referred to above.

9. *Training and examination etc.*—The members of service shall have to qualify examinations or to undergo training as may be prescribed by the Government from time to time for any class of posts.

10. *Liability to transfer.*—Every member of the services shall be liable to transfer anywhere within Himachal Pradesh.

11. *Leave and pension etc.*—In respect of leave, pension and other cognate matter not specifically mentioned in these rules, the members of the service shall be governed by the service rules applicable to the other service of the State of Himachal Pradesh which are in force or as may be adapted by the State Government from time to time, unless one has exercised option, otherwise.

12. *Other conditions of service—General.*—In all matters not expressly provided for in these rules the members of the service shall be governed by service rules applicable to other employees of the State of Himachal Pradesh which are in force or as may be adapted by the State Government from time to time, unless one has, exercised option, otherwise.

13. *Power to relax.*—Where the Government is of the opinion that it is necessary or expedient to do so it may by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service commission, where necessary, relax any of the provisions of these rules with respect to any class or category of persons.

14. *Saving.*—Nothing in these rules shall affect reservations and other concessions required to be provided for scheduled castes and scheduled tribes and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

P. K. MATTOO,
Secretary.

APPENDIX

REFERRED TO IN RULE 5 RECRUITMENT AND PROMOTION RULES FOR CLASS I AND

Sl. No.	Name of posts	No. of posts	Classification	Scale of pay	Whether selection or non-selection	Age for direct recruitment
1	2	3	4	5	6	7
1.	Technical Officer (Mechanical).	One	Class-I (Gazetted).	400-1250	Selection	30 Years & below
2.	Technical Officer (Chemical).	One	Class-I (Gazetted).	400-1250	Selection	30 years & below
3.	Tehsildar	One	Class-II (Gazetted).	350-800	On deputation from Revenue Department.	N.A.

- Note.*—1. Upper age limits for direct recruits will not be applicable to the candidates already in the ser-
 2. Upper age limit is relaxable for scheduled castes/tribes candidates and other categories of persons to the
 3. Age and qualifications relaxable at the discretion of the Commission in the case of candidates other-
 4. Age limits for direct recruits will be reckoned from the last date fixed for receipt of applications
 5. Provisions of column 11 and 12 are to be revised by the Government in consultation with the H.P.P.S.C.
 6. When the Government is of the opinion that it is necessary or expedient to do so, it may by order for of these rules with respect to any class of service or person.

'A'
II POSTS IN THE INDUSTRIES DEPARTMENT (DEV. CELL) HIMACHAL PRADESH

Educational & other qualifications required for the direct recruitment	Whether age & educational qualifications required prescribed for direct recruitment will apply in the case of promotees	period of probation	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer & percentage of vacancies to be filled by various methods	In case recruitment by promotion/transfer the same is to be made	If a DPC exists what is its composition	circumstances in which HPPSC is to be consulted making recruitment
8	9	10	11	12	13	14
<i>Essential:</i>						
Degree in Mechanical Engineering.	N.A.	2 Years.	100% by direct recruitment subject to such further extension not exceeding one year as may be ordered by the competent authority & in special circumstances to be reduced in writing.	N.A.	DPC to be presided over by the Chairman H.P.P.S.C. or a Member thereof to be nominated by him.	As required under the law.
<i>Desirable:</i>						
Two years professional experience under Govt. or in a business concern of repute.						
<i>Essential:</i>						
Degree in Chemical Engineering.	N.A.	-do-	100% by direct recruitment.	N.A.	-do-	-do-
<i>Desirable:</i>						
Two years professional experience under Govt. or in a business concern of repute.						
N.A.	N.A.	N.A.	On deputation of a Tehsildar of the Revenue Department H.P.	350-800 Tehsildars of the Revenue Department.	-do-	-do-

vice of the Government except in case of posts to be filled in on the basis of competitive exam. extent permissible under the general or special orders of the Himachal Pradesh Government.

wise well qualified.

by the Commission.

as and when the No. of posts under column 3 are increased or decreased.

reasons to be recorded in writing and in consultation with the H.P.P.S.C. relax any of the provisions

REVENUE DEPARTMENT

NOTIFICATION

Simla-4, the 8th November, 1973

No. 2-20/69-Commr. -It is hereby notified for information of all concerned that this department notification of even number, dated the 18th August, 1973 according to which the Departmental Examination of Naib-Tehsildar was to be held from 5th September, 1973 to 8th September, 1973 at Solan, is hereby cancelled.

GANGESH MISRA,
Divisional Commissioner.

OFFICE OF THE COMMISSIONER TRANSPORT
OFFICE ORDER

Simla-1, the 6th November, 1973

No. HO. 9-450/71-M.-1, S. K. Alok, Commissioner Transport, Himachal Pradesh, in exercise of the powers

vested in me under rule 1.26 of the Himachal Financial Rules, 1971, Vol. I, hereby declare Shri Shalendra Nigam, H.P.A.S. Manager (Transport) headquarters as the Head of Office and Drawing and Disbursing Officer in respect of the Head Office of the Himachal Government Transport Department *vice* Deputy General Manager (C) under major head "57-Road and Water Transport Scheme".

2. Shri Shalendra Nigam, Manager (Transport) headquarters, is also declared to be the controlling officer under S.R. 191 for the purpose of T. A. etc. in respect of staff of the Head Office.

3. This order shall take effect from the date of issue.

By order,
S. K. ALOK,
Commissioner.

भाग 4 स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

शून्य

भाग 5--वैयक्तिक अधिसूचनाएं और विज्ञापन

PROCLAMATION UNDER ORDER 5, RULE 20, C.P.C.

In the Court of Sh. A. L. Vaidya, Senior Sub-Judge Kangra at Dharamsala (H. P.)

Civil Suit No. 383/1971

Nathu Mal (plaintiff) Vs. Nandu and others (Defts.)
1. Sadhu Ram 3. Versus Roshan Lal ss/o of Khemdi caste Ghirth of Jasehr, Mauza Gandhwar Tehsil Dehra, District Kangra. Defendants No. 2&3.

Whereas in the above noted court the plaintiff Shri Nathumal has filed an suit for declaration on 30-7-1971. In this behalf summons and notices to the above named defendants were issued several times. But they are evading the service or have concealed themselves. Now it has been proved to the satisfaction of this court that the above named defendants cannot be served through ordinary way, hence this proclamation under order 5, rule 20 C.P.C. is issued against them that they should appear in this court on 2-1-1974 personally or through an authorised agent or pleader failing which legal proceedings shall be taken against them.

Given under my hand and the seal of the court on 12.11.1973.

Seal.

A. L. VAIDYA,
Senior Sub-Judge.

PROCLAMATION UNDER ORDER 5, RULE 20 C.P.C

In the Court of Shri A. L. Vaidya, Senior Sub-Judge Kangra at Dharamsala (H. P.)

Civil Suit No. 321/72

Shri Rattan Chand Vs. Basanta and others.
Shri Gianu son of Shri Kharku son of Shri Dhilu resident of Bhattu Bhangal Tehsil Palampur, District Kangra, Himachal Pradesh Defendant No. 2.

Whereas in the above noted court the plaintiff Shri Rattan Chand has filed an suit for possession by ejectment against the above named defendant, on 28-10-72. In this behalf notices/summons to the above said defendant Shri Gianu were issued several time, but he is evading the service or have concealed himself. Now it has been proved to the satisfaction of court that the above named defendant cannot be served through ordinary way, hence this proclamation under order 5, rule 20 C. P. C. is issued against him, that he should appear in this court on 24-12-1973 at 10 A. M. personally or through an authorised agent or pleader failing which legal proceedings shall be taken against him.

Given under my hand and the seal of the court on 12-11-73.

Seal.

A. L. VAIDYA,
Senior Sub-Judge.

PROCLAMATION UNDER ORDER 5, RULE 20, C.P.C.

In the Court of Senior Sub-Judge, Kangra at Dharamsala

CIVIL SUIT No. 381/1971

Kali Dass

Versus

1. Bishan Dass and others Keshwa Nand son of Kanshi son of Narain, Parshotam Lal, 3. Rattan Chand son of Bansi Lal son of Kirpa Ram, 4. Smt. Sumitran Devi wd/o Om Parkash son of Bansi Lal caste Brahman, of Haripur, Tehsil Dehra, District Kangra, 5. Mukand Lal son of Bhagat Ram son of Mansha Ram caste Brahman of Haripur, Tehsil Dehra Defendants No. 7, 9, 10, 13 and 15.

Whereas in the above noted court the plaintiff Kali Dass has filed an suit for declaration on 30-7-1971. In this behalf summons/notice to the above named defendants were issued several time but they are evading

the service or have concealed themselves. Now it has been proved to the satisfaction of this court that the above named defendants cannot be served through ordinary way, hence this proclamation under order 5, rule 20 C.P.C. is issued against them that they should appear in this court on 2-1-1974 at 10 A.M. personally or through an authorised agent or pleader failing which the *ex parte* proceeding shall be taken against them.

Given under my hand and the seal of the court on 13-11-73.

Seal.

A. L. VAIDYA,
Senior Sub-Judge.

न्यायालय में अमालतन वा वकालतन मिति 3-1-74 को स्थान शिमला में उपस्थित हो कर दायर करें अन्यथा कार्रवाई एक पक्षी अमल में लाई जावेगी।

आज मिति 12-11-73 को मेरे हस्ताक्षर व मोहर न्यायालय से जारी हुआ।

मोहर

टी० आर० हाण्डा,
डिस्ट्रिक्ट जज।

न्यायालय श्री ए० एल० वच, सीनियर मज्ज-जज महोदय, कांगडा, धर्मशाला

मुकदमा नम्बर R. R. A. 25-माल 1973

श्रीमती राम प्यारी इत्यादि बनाम श्री टेकसिंह

बनाम:—श्री टेक सिंह मिस्त्री करसेट बाजार धर्मशाला
कैन्ट त० वा जिला कांगडा

उपरोक्त मुकदमा उनवान-वाला मे श्री टेक सिंह मिस्त्री करसेट बाजार धर्मशाला जान बूझ कर तामील नहीं करता है कई बार समम नें नोटिस जारी किए परन्तु तामील न हुई। अब इस्तहार द्वारा श्री टेक सिंह को सूचित किया जाना है कि यदि 1-12-1973 को हाजिर न्यायालय न हुआ तो एक तरफा कार्रवाई की जायेगी। आज मेरे हस्ताक्षर व मोहर से जारी हुआ। 12-11-73.

मोहर।

टी० आर० हाण्डा,
ज्जिष्ट उप-जज।

न्यायालय श्री टी० आ० हाण्डा, डिस्ट्रिक्ट जज, शिमला, किनौर और बिलासपुर डिस्ट्रिक्ट

दरख्वास्त नम्बर 74-5/2 सन् 1973

श्रीमति जयदेवी पत्नी इन्दर देव, विद्या निवास, चक्कर शिमला-5 बनाम

तमाम सम्बन्धित

दरख्वास्त बराये गाडियन और वार्डज ऐक्ट 1890

हरगाह बाद उपरोक्त उनवान वाला में श्रीमती जय देवी पत्नी इन्द्र देव, विद्या निवास बिलडिंग चक्कर शिमला 5 ने एक दराख्वस्त बराये बली नावालगन (1) मदनलाल (2) गीता देवी (3) कमला देवी (4) रमा देवी गुजार रखी है।

अतः इस इस्तहार द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि किसी को किसी प्रकार का भी कोई ऐतराज हो तो इस

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT

Assented to on 4-4-1967.

NOTIFICATION

Simla-2, the 14th August, 1967

No. 8-1/65-LR.—The following Acts recently passed by the Parliament and already published in the Gazette of India, extra-ordinary part, II, section-I are hereby republished in the H. P. Govt. Rajpatra for the information of general public:—

1. The Armed Forces (Special Powers) Continuance Act, 1967 (No. 9 of 1967).
2. The Representation of the People (Amendment) Act, 1967 (No. 10 of 1967).
3. The Mineral Products (Additional Duties of Excise and Customs) Amendment Act, 1967 (No. 11 of 1967).
4. The Finance Act, 1967 (No. 12 of 1967).
5. The Land Acquisition (Amendment and Validation) Act, 1967 (No. 13 of 1967).
6. The Essential Commodities (Amendment) Act, 1967 (No. 14 of 1967).
7. The Constitution (Twenty-First Amendment) Act, 1967.

THE ARMED FORCES (SPECIAL POWERS) CONTINUANCE ACT, 1967

(ACT No. 9 OF 1967)

AN

ACT

to continue the Armed Forces (Special Powers) Regulation, 1958, for a further period.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Armed Forces (Special Powers) Continuance Act, 1967.

2. *Amendment of section 1.*—In section 1 of the Armed Forces (Special Powers) Regulation, 1958 (2 of 1958), (hereinafter referred to as the principal Regulation), for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) It shall cease to have effect on the 5th day of April, 1968, and upon such cesser section 6 of the General Clauses Act, 1897 (10 of 1897) shall apply in relation thereto as if it had then been repealed by a Central Act”.

3. *Omission of section 8.*—Section 8 of the principal Regulation shall be omitted.

JOSEPH DINA NATH,
Under Secretary (Judicial).

Assented to on 11-4-1967.

THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) ACT, 1967

(ACT No. 10 of 1967)

AN

ACT

further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follow:—

1. *Short title.*—This Act may be called the Representation of the People (Amendment) Act, 1967.2. *Amendment of section 73.*—In section 73 of the Representation of the People Act, 1951 (43 of 1951), (hereinafter referred to as the principal Act),—

(a) for the words, brackets, letter and figures “the date originally fixed for the completion of the election under clause (e) of section 30, the names of the members elected for the various constituencies by that date”, the following shall be substituted, namely:—

“the results of the elections in all the constituencies other than those in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 30 or for which the time for completion of the election has been extended under the provisions of section 153], have been declared by the returning officer under the provisions of section 53 or, as the case may be, section 66, the names of the members elected for those constituencies”;

(b) for clause (a) of the proviso, the following clause shall be substituted, namely:—

“(a) to preclude—

(i) the taking of the poll and the completion of the election in any Parliamentary or Assembly constituency or constituencies in which the poll could not be taken for any reason on the date originally fixed under clause (d) of section 30; or

(ii) the completion of the election in any Parliamentary or Assembly constituency or constituencies for which time has been extended under the provisions of section 153; or”.

3. *Repeal and saving.*—(1) The Representation of the People (Amendment) Ordinance, 1967 (2 of 1967), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 28th day of February, 1967.

Assented to on 12th April, 1967

THE MINERAL PRODUCTS (ADDITIONAL
DUTIES OF EXCISE AND CUSTOMS) AMEND-
MENT ACT, 1967

(ACT No. 11 of 1967)

AN

ACT

further to amend the Mineral Products (Additional Duties of Excise and Customs) Act, 1958.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Mineral Products (Additional Duties of Excise and Customs) Amendment Act, 1967.2. *Amendment of section 3.*—In section 3 of the Mineral Products (Additional Duties of Excise and Customs) Act, 1958 (27 of 1958), (hereinafter referred to as the principal Act, in sub-section (1), in the Table,—

(a) for items 2, 3 and 4 and the entries relating there to, the following shall be substituted, namely:—

“2. Kerosene	One hundred and sixty rupees per kilolitre at fifteen degrees of centigrade thermometer.
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3. Refined diesel oils and vaporizing oil.	Two hundred and fifty rupees per kilolitre at fifteen degrees of centigrade thermometer.
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4. Diesel oil, not otherwise specified.	One hundred and fifty rupees per metric tonne.”;
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(b) for item 6 and the entries relating to it, the following shall be substituted, namely:—

“6. Asphalt and Bitumen as described in item No. 11 (1) of the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944).	One hundred rupees per metric tonne.”.
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3. *Repeal and saving.*—(1) The Mineral Products (Additional Duties of Excise and Customs) Amendment Ordinance, 1966 (12 of 1966), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 15th day of December, 1966.

Assented to on 12th April, 1967.

THE FINANCE ACT, 1967

(ACT No. 12 of 1967)

AN

ACT

to continue for the financial year 1967-68 the existing rates of income tax with certain modifications and the existing rates of annuity deposits and to provide for the continuance of certain commit-

ments under the General Agreement on Tariffs and Trade and the discontinuance of the duty on salt for the said year.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Finance Act, 1967.

(2) It shall be deemed to have come into force on the 1st day of April, 1967.

2. *Income-tax.*—The provisions of section 2 of, and the First Schedule to the Finance Act, 1966 (13 of 1966), shall apply in relation to income-tax for the assessment year commencing on the 1st day of April, 1967 as they apply in relation to income-tax for the assessment year commencing on the 1st day of April, 1966, with the following modifications, namely:—

(a) in section 2,—

(i) for the figures “1966”, wherever they occur, the figures “1967” shall be substituted;

(ii) in sub-section (1), the brackets and figure “(2)”, shall be omitted;

(iii) sub-section (2) shall be omitted;

(iv) in sub-section (5), in clause (a),—

(A) in sub-clause (i), after the words “derived from the export”, the brackets, words and figures “(made before the sixth day of June, 1966)” shall be inserted;

(B) in sub-clause (ii),—

(i) after the words “during the previous year, exported”, the words and figures “before the sixth day of June, 1966” shall be inserted;

(ii) after the words “receivable by him in respect of such export”, the words “made before date aforesaid” shall be inserted;

(C) in sub-clause (iii),—

(i) after the words “during the previous year, sold”, the words and figures “before the sixth day of June, 1966” shall be inserted;

(ii) for the words “sale proceeds receivable by him in respect of such articles from the exporter”, the words “sale proceeds receivable by him from the exporter in respect of such articles sold to the exporter before the date aforesaid” shall be substituted;

(b) in the First Schedule, in Paragraph F of Part I, for *Explanation 1* to item 1, the following *Explanation* shall be substituted, namely:—

Explanation 1.—In clause (b), the expression “the relevant amount of distributions of dividends” means the aggregate of the following amounts, namely:—

(a) the amount, if any, by which “the relevant amount of distributions of dividends” by the company as computed in accordance with *Explanation 1* to item 1 of Paragraph F of part I of the First Schedule to the Finance Act, 1966 (13 of 1966) exceeds its total income (reduced by the amount of capital gains, if any, relating to capital assets other than short-term capital assets included therein) assessable for the assessment year commencing on the 1st day of April, 1966; and

(b) so much of the amount of the dividends, other than dividends on preference shares, declared or distributed by the company during the previous year as exceeds ten per cent of its paid-up equity share capital as on the 1st day of the previous year.

3. *Annuity deposits.*—(1) Save, as otherwise provided in Chapter XXIIA of the Income-tax Act 1961 (43 of 1961), annuity deposit for the assessment year commencing on the 1st day of April, 1967 and annuity deposit to be made during the financial year commencing on the 1st day of April, 1967, shall be made by every person to whom the provisions of that Chapter apply, at the rate or rates specified in the Second Schedule to the Finance Act, 1966 (13 of 1966).

(2) For the purposes of this section and the Second Schedule as aforesaid, the expressions “adjusted total income”, “annuity deposit” and “depositor” have the meanings respectively assigned to them under clause (1), (5) and (6) of section 280B of the Income-tax Act, 1961 (43 of 1961).

4. *Amendment of Act 1 of 1949.*—In the Indian Tariff (Amendment) Act, 1949, in sections 4 and 5, for the figures “1967”, the figures “1968” shall be substituted.

5. *Discontinuance of salt duty.*—For the year beginning on the 1st day of April, 1967, no duty under the Central Excises and Salt Act, 1944 (1 of 1944), or the Indian Tariff Act, 1934 (32 of 1934) shall be levied in respect of salt manufactured in, or imported into, India.

Assented to on 12-4-67

THE LAND ACQUISITION (AMENDMENT AND VALIDATION) ACT, 1967

(ACT No. 13 OF 1967)

AN

ACT

further to amend the Land Acquisition Act, 1894, and to validate certain acquisitions of land under the said Act.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Land Acquisition (Amendment and Validation) Act, 1967.

2. *Amendment of section 5 A.*—In section 5A of the Land Acquisition Act, 1894 (1 of 1894), (hereinafter referred to as the principal Act), in sub-section (2), for the words “submit the case for the decision of the appropriate Government, together with the record of the proceedings held by him and a report containing his recommendations on the objections”, the words, figures and brackets “either make a report in respect of the land which has been notified under section 4, sub-section (1), or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him for the decision of that Government” shall be substituted.

3. *Amendment of section 6.*—In section 6 of the principal Act,—

(a) in sub-section (1),—

(i) after the words "certify its orders", the following shall be inserted, namely:—

"and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under section 4, sub-section (1), irrespective of whether one report or different reports has or have been made (wherever required) under section 5A, sub-section (2)";

(ii) for the words "Provided that", the following shall be substituted, namely:—

"Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section (1), published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), shall be made after the expiry of three years from the date of such publication:

Provided further that":

(b) in sub-section (2), for the words "The declaration" the words "Every declaration" shall be substituted,

4. *Validation of certain acquisitions.*—Notwithstanding any judgment, decree or order of any court to the contrary,

(a) no acquisition of land made or purporting to have been made under the principal Act before the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967) and no action taken or thing done (including any order made, agreement entered into, or notification published) in connection with such acquisition shall be deemed to be invalid or ever to have become invalid merely on the ground—

(i) that one or more Collectors have performed the functions of Collector under the principal Act in respect of the land covered by the same notification under sub-section (1) of section 4 of the principal Act;

(ii) that one or more reports have been made under sub-section (2) of section 5A of the principal Act, whether in respect of the entire land, or different parcels thereof, covered by the same notification under sub-section (1) of section 4 of the principal Act;

(iii) that one or more declarations have been made under section 6 of the principal Act in respect of different parcels of the land covered by the same notification under sub-section (1) of section 4 of the principal Act;

(b) any acquisition in pursuance of any notification published under sub-section (1) of section 4 of the principal Act before the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), may be made after such commencement and no such acquisition and no action taken or thing done (including any order made, agreement entered into, or

notification published), whether before or after such commencement in connection with such acquisition shall be deemed to be invalid merely on the grounds referred to in clause (a) or any of them.

(2) Notwithstanding anything contained in clause (b) of sub-section (1), no declaration under section 6 of the principal Act in respect of any land which has been notified before the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), under sub-section (1) of section 4 of the Principal Act, shall be made after the expiry of two years from the commencement of the said Ordinance.

(3) Where acquisition of any particular land covered by a notification under sub-section (1) of section 4 of the principal Act, published before the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967 (1 of 1967), is or has been made in pursuance of any declaration under section 6 of the principal Act, whether made before or after such commencement, and such declaration is or has been made after the expiry of three years from the date of publication of such notification, there shall be paid simple interest, calculated at the rate of six per centum per annum on the market value of such land, as determined under section 23 of the principal Act, from the date of expiry of the said period of three years to the date of tender of payment of compensation awarded by the Collector for the acquisition of such land:

Provided that no such interest shall be payable for any period during which the proceedings for the acquisition of any land were held up on account of stay or injunction by order of a court:

Provided further that nothing in this sub-section shall apply to the acquisition of any land where the amount of compensation has been paid to the persons interested before the commencement of this Act.

5. *Repeal and saving.*—(1) The Land Acquisition (Amendment) and Validation) Ordinance, 1967 (1 of 1967), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 20th day of January, 1967.

Assented to on 16-4-1967.

THE ESSENTIAL COMMODITIES (AMENDMENT) ACT, 1967

(ACT NO. 14 OF 1967)

AN

ACT

further to amend the Essential Commodities Act, 1955 and to continue for a further period the Essential Commodities (Amendment) Act, 1964.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. *Short title and duration.*—(1) This Act may be called the Essential Commodities (Amendment) Act, 1967.

(2) Section 2 shall cease to have effect on the 31st day of March, 1968, save as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply upon such cesser as if section 2 had then been repealed by a Central Act.

2. *Amendment of section 3.*—In section 3 of the Essential Commodities Act, 1955 (10 of 1955) (hereinafter referred to as the principal Act), after sub-section (4) the following sub-sections shall be inserted, namely:—

“(4A) Where, for any reason, supplies of any article or thing required for the production or manufacture of an essential commodity are not adequate to meet the full requirements of all the undertakings engaged in the production or manufacture of such commodity and the Central Government is of opinion that with the available supplies of such article or thing all the undertakings engaged in the production or manufacture of such commodity should, as far as practicable, be kept as going concerns for the production or manufacture of such commodity to the fullest extent possible and also for the prevention of unemployment, as far as practicable, amongst persons employed in such undertakings, it may, by order, direct that—

- (a) no employer shall close his undertaking, whether partially or wholly, except with the previous permission in writing of such officer as may be specified in this behalf in the order;
- (b) no employer shall keep his undertaking working for more than such number of days in a week and such number of hours each day, as may be specified in the order.

(4B) Where in pursuance of an order under clause (b) of sub-section (4A) an undertaking is closed, whether partially or wholly for any day or number of days in a week, the employer of the undertaking shall pay for such closure to each of the persons, employed in the undertaking or any part thereof which is closed, compensation which shall be equal to fifty per cent of the total of the basic wages and dearness allowance that would have been payable to such person had there been no such closure.

(4C) For removal of doubt, it is hereby declared that different orders may be made under sub-section (4A) in respect of—

- (i) different classes of undertakings; or
- (ii) undertakings in different areas.”

3. *Validation of closure of cotton textile mills on certain days.*—Notwithstanding anything to the contrary contained in any law for the time being in force where an employer in respect of an undertaking engaged in the production or manufacture of cotton textiles has closed such undertakings either wholly or partially on any day in a week during the period between the 12th day of December, 1966 and the 23rd day of December, 1966, being the date of commencement of the Essential Commodities (Second Amendment) Ordinance, 1966 (13 of 1966) (both days inclusive) in pursuance of the decision taken by the Government of India in that

behalf and specified by the Textile Commissioner to the Government of India, Bombay, in his circular dated the 3rd December, 1966,—

- (a) such undertaking shall be deemed to have been closed on each such day in accordance with law; and
- (b) the employer shall pay compensation for such closure to the persons employed (including *badli* workmen) in the undertaking at the rate provided for in section 25 C of the Industrial Disputes Act, 1947 (14 of 1947).

4. *Continuance of Act 47 of 1964.*—The duration of the Essential Commodities (Amendment) Act, 1964, is extended for the period up to and including the 31st day of December, 1967, and accordingly, that Act shall have effect subject to the modification that in section 1 of that Act, in sub-section (3), for the words, figures and letters “the 31st day of December, 1966”, the words, figures and letters “the 31st day of December, 1967”, shall be, and shall be deemed always to have been, substituted.

5. *Repeal and saving.*—The Essential Commodities (Second Amendment) Ordinance, 1966 (13 of 1966), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the principal Act as amended by the said Ordinance or under section 12A of the principal Act or section 8A of the Criminal Law Amendment Act, 1952 (46 of 1952), as continued by virtue of section 5 of the said Ordinance, shall be deemed to have been done or taken under this Act or under the principal Act as amended by this Act or under the said sections as continued by virtue of section 4 of this Act as if this Act had come into force on the 23rd day of December, 1966.

Assented to on 10th April, 1967.

THE CONSTITUTION (TWENTY-FIRST AMENDMENT) ACT, 1967

(ACT NO. OF 1967)

AN

ACT

further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Constitution (Twenty-first Amendment) Act, 1967.

2. *Amendment of Eighth Schedule.*—In the Eighth Schedule to the Constitution,—

- (a) entries 12 to 14 shall be re-numbered as entries 13 to 15 respectively, and
- (b) before entry “13” as so re-numbered, the entry “12. Sindhi.” shall be inserted.

LAW DEPARTMENT NOTIFICATION

Simla-2, the 8th October, 1968

No. 8-1 67-LR.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, Part II, Section 1, dated 17-5-68 and 29-5-68 are hereby republished in the Himachal Pradesh Rajpatra for the information of general public.

1. The Public Provident Fund Act, 1968 (23 of 1968).
2. The Civil Defence Act, 1968 (27 of 1968).

Sd/-
Under Secretary (Judicial).

Assented to on 16-5-68.

THE PUBLIC PROVIDENT FUND ACT, 1968 (Act No. 23 of 1968)

AN

ACT

to provide for the institution of a provident fund for the general public.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Public Provident Fund Act, 1968.

(2) It extends to the whole of India.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "Fund" means the Public Provident Fund established under the Scheme;
- (b) "minor" means a person who is not deemed to have attained majority under the Indian Majority Act, 1875 (9 of 1875);
- (c) "Scheme" means the Public Provident Fund Scheme framed under sub-section (1) of section 3;
- (d) "subscriber" means an individual who makes subscription to the Fund under section 4 and where such subscription is made by an individual on behalf of a minor, of whom he is the guardian, such minor;
- (e) "year" means the financial year.

3. *Public Provident Fund Scheme.*—(1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Public Provident Fund Scheme for the establishment of a provident fund for the general public and there shall be established, as soon as may be after the framing of the Scheme, a Fund in accordance with the provisions of this Act and the Scheme.

(2) Subject to the provisions of this Act, the Scheme may provide for all or any of the matters specified in the Schedule.

(3) The Scheme shall have effect notwithstanding anything contained in any law for the time being in force other than this Act or in any instrument having effect by virtue of any law other than this Act.

(4) The Central Government may, from time to time, by notification in the Official Gazette, add to, amend or vary the Scheme.

4. *Subscriptions to Fund.*—Any individual may, on his own behalf or on behalf of a minor, of whom he is the guardian, subscribe to the Fund in such manner and subject to such maximum and minimum limits as may be specified in the Scheme.

5. *Interest.*—All, subscriptions made under section 4 shall bear interest at such rate as may be notified by the Central Government in the Official Gazette, from time to time, and the interest shall be calculated in such manner as may be specified in the Scheme.

6. *Withdrawals.*—(1) A subscriber shall be entitled to make withdrawals from the amount standing to his credit in the Fund (including any interest accrued thereon) to such extent and subject to such terms and conditions as may be specified in the Scheme:

Provided that such withdrawals shall be allowed only after the expiry of a period of five years from the end of the year in which he makes the initial subscription to the Fund.

(2) Notwithstanding anything contained in sub-section (1), a subscriber shall be entitled to withdraw the entire balance standing to his credit in the Fund after the expiry of a period of fifteen years from the end of the year in which he makes the initial subscription to the Fund.

(3) Subject to the provisions of sub-sections (1) and (2), an individual who has made subscriptions to the Fund on behalf of a minor, of whom he is the guardian, shall be entitled to withdraw any amount from the Fund only for the use of the minor.

7. *Grant of loans.*—A subscriber may be granted loans out of the amount standing to his credit in the Fund on such terms and conditions as may be specified in the Scheme and where the subscriber is a minor, such loans shall be granted to his guardian only for the use of the minor.

8. *Payment on death of subscriber.*—(1) If a subscriber dies and there is in force at the time of his death a nomination in favour of any person, all amounts standing to his credit in the Fund shall be payable to the nominee.

(2) Where the nominee is a minor, the amounts referred to in sub-section (1) shall be payable to any guardian of the property of the minor appointed by a competent court, or where no such guardian has been so appointed, to either parent of the minor, or where neither parent is alive, to any other guardian of the minor.

(3) Where there is no nomination in force at the time of the death of the subscriber, the amounts referred to in sub-section (1) shall be payable to his legal heirs.

9. *Protection against attachment.*—The amount standing to the credit of any subscriber in the Fund shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the subscriber.

10. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the Scheme.

11. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act or the Scheme, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid as soon as may be after it is made before each House of Parliament.

12. *Scheme to be laid before Parliament.*—The Scheme shall be laid, as soon as may be, after it is framed, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in any provision of the Scheme or both Houses agree that any provision in the Scheme should not be made, the provision of the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that provision.

THE SCHEDULE

[See section 3 (2)]

Matters for which provision may be made in the Scheme:—

- (1) The manner in which subscriptions to the Fund may be made and the maximum and minimum limits of such subscriptions.
- (2) The manner in which interest on subscriptions to the Fund may be calculated.
- (3) The documents to be issued to subscribers as evidence of the subscriptions made by them to the Fund.
- (4) The extent to which and the terms and conditions under which withdrawals may be made by subscribers from the amount standing to their credit in the Fund.
- (5) The authority or authorities by or through whom subscriptions to the Fund may be collected or withdrawals therefrom may be made.
- (6) The terms and conditions under which loans may be granted to subscribers out of the amounts standing to their credit in the Fund and the authority or authorities by whom such loans may be granted.
- (7) The accounts to be maintained with respect to subscriptions to the Fund, and withdrawals and final payments made and loans granted therefrom and the authority or authorities by whom such accounts shall be maintained.
- (8) The nomination of any person to receive the amount standing to the credit of a subscriber in the Fund in the event of his death and the cancellation or change of such nomination.
- (9) The issue of duplicate of any document issued as evidence of any subscription to the Fund in the event of damage, loss or destruction of the original and the fee on the payment of which such duplicate may be issued.
- (10) Any other matter which is to be provided for

in the Scheme or which may be necessary or proper for the purpose of implementing the Scheme.

The above Bill has been passed by the houses of Parliament.

Dated the May, 1968

Chairman.

I assent to this Bill.

Dated the May, 1968.

President.

Assented to on 24-5-68.

THE CIVIL DEFENCE ACT, 1968

(ACT No. 27 OF 1968)

AN

ACT

to make provision for civil defence and for matters connected therewith.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Civil Defence Act, 1968.

(2) It extends to the whole of India.

(3) It shall come into force in a State or part thereof on such date, not being a date earlier than the date of the expiry of the Defence of India Act, 1962 (51 of 1962), as the Central Government may, by notification, appoint and different dates may be appointed for different States or different parts thereof.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “civil defence” includes any measures, not amounting to actual combat, for affording protection to any person, property, place or thing in India or any part of the territory thereof against any hostile attack, whether from air, land, sea or other places, or for depriving any such attack of the whole or part of its effect, whether such measures are taken before, during, at or after the time of such attack;
- (b) “Civil Defence Corps” means the Corps formed wholly or mainly to meet the needs of civil defence and includes an organisation deemed to be a Corps under the proviso to sub-section (1) of section 4;
- (c) “hostile attack” means any attack by any person or body of persons, whether during any war, external aggression, internal disturbance or otherwise which endangers the security of any life, property, place or thing in India or any part of the territory thereof;
- (d) “notification” means a notification published in the Official Gazette;

- (e) "personal service injury" has the meaning assigned to it in the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962);
- (f) "state government", in relation to a Union territory, means the Administrator of the Union territory.

CHAPTER II

POWER OF CENTRAL GOVERNMENT TO MAKE RULES FOR CIVIL DEFENCE

3. *Power to make rules for civil defence.*—(1) The Central Government may, for securing civil defence, by notification, make rules providing for all or any of the following matters, namely:—

- (a) preventing the prosecution of any work likely to prejudice civil defence;
- (b) instruction of members of the public regarding civil defence and their equipment for the purposes of such defence;
- (c) provision, storage and maintenance of commodities and things required for civil defence;
- (d) prohibiting or regulating traffic, and the use of vessels, buoys, lights and signals in ports and territorial, tidal and inland waters;
- (e) control of lights and sounds;
- (f) protection of life and property by taking fire prevention and other measures;
- (g) securing of any buildings, premises or other structures from being readily recognisable in the event of a hostile attack;
- (h) for the prevention of danger to life or property, the demolition, destruction or rendering useless, of any building, premises or other structures or any other property;
- (i) prohibiting or regulating the possession, use or disposal of—
 - (i) explosives, inflammable substances, corrosive and other dangerous substances or articles, arms and ammunition;
 - (ii) vessels;
 - (iii) wireless telegraphic apparatus;
 - (iv) aircraft; and
 - (v) photographic and signalling apparatus and any means of recording information;
- (j) evacuation of areas and the removal of property or animals therefrom;
- (k) accommodation in any area of persons evacuated from another area and the regulation of the conduct of evacuated persons accommodated in such area;
- (l) billeting of evacuated person or persons authorised to perform functions under this Act;
- (m) salvage of damaged buildings, structures and property and disposal of the dead;
- (n) seizure and custody or destruction of injured, unclaimed or dangerous animals;
- (o) ensuring the safety of—
 - (i) ports, dockyards, lighthouses, lightships, aerodromes and facilities associated with aerial navigation;
 - (ii) railways, tramways, roads, bridges, canals and all other means of transport by land or water;
 - (iii) telegraphs, post offices, signalling apparatus and all other means of communication;
 - (iv) sources and systems of water supply, works

- for the supply of water, gas or electricity and all other works for public purposes;
- (v) vessels, aircraft, transport vehicles as defined in the Motor Vehicles Act, 1939 (4 of 1939), and rolling stocks of railways and tramways;
- (vi) warehouses and all other places used or intended to be used for storage purposes;
- (vii) mines, oilfields, factories or industrial or commercial undertakings generally, or any mine, oilfield, factory or industrial or commercial undertaking in particular;
- (viii) laboratories and institutions where scientific or technological research or training is conducted or imparted;
- (ix) all works and structures being part of, or connected with, anything earlier mentioned in this clause; and
- (x) any other place or thing used or intended to be used for the purposes of Government or a local authority or a semi-Government or autonomous organisation, the protection of which is considered necessary or expedient for securing civil defence;
- (p) control of any road or pathway, waterway, ferry or bridge, river, canal or other source of water supply;
- (q) precautionary measures, which the Government or any department thereof or any local authority, members of police force, fire brigade and members of any other service or authority employed primarily for purposes other than civil defence purposes should be required to take within the respective jurisdictions or with respect to any personnel employed by them;
- (r) preventing or controlling any use of uniforms, whether official or otherwise, or flags or official decorations like medals, badges or other insignia or anything similar thereto, the wearing of which is calculated to deceive or to prejudice civil defence;
- (s) precautions to be taken or action to be taken by persons or authorities with a view to protecting or acquainting the general public or any members thereof against the dangers involved in any apprehended hostile attack;
- (t) requiring the owner or occupier of any building, structure or premises to make or carry out such arrangements as may be necessary for the purposes of detection and prevention of fire;
- (u) taking of specified measures for dealing with outbreaks of fire;
- (v) directing that, subject to any specified exemption, no person present in any specified area shall, between such hours as may be specified, be out of doors except under the authority of a written permit granted by a specified authority or person;
- (w) (i) prohibiting the printing and publication of any newspaper, news-sheet, book or other document containing matters prejudicial to civil defence;
- (ii) demanding security from any press used for the purpose printing or publishing, and forfeiting the copies of, any newspaper, news-sheet, book or other document containing any of the matters referred to in sub-clause (i);
- (x) regulating the conduct of persons in respect of areas the control of which is considered necessary or expedient, and removal of persons

from such areas;

- (y) requiring any person or class of persons to comply with any scheme of civil defence;
- (z) any other provision which may be necessary for the purposes of civil defence;

(2) Any rule made under sub-section (1) may provide that orders with regard to the matters specified therein may be made by the State Government.

(3) Any rule made under sub-section (1) may provide that a contravention thereof or any order made thereunder shall be punishable with fine which may extend to five hundred rupees, and where the contravention is a continuing one, a with a further fine which may extend to fifty rupees for every day, after the first during which such contravention continues.

CHAPTER III

CIVIL DEFENCE CORPS

4. Constitution of Civil Defence Corps.—(1) The State Government may constitute, for any area within the State, a body of persons to be called the Civil defence Corps (hereinafter referred to as the "Corps") and may appoint a person, not being in its opinion, below the rank of a District Magistrate (to be known as the "Controller") to command such Corps:

Provided that if there is in existence in any area in a State, immediately before the commencement of this Act in that area, an organisation which, in the opinion of the State Government, may be entrusted with the functions of the Corps, the State Government may, instead of constituting a separate Corps for such area, call upon that organisation to take over or discharge the functions of the Corps in that area, and thereupon such organisation shall be deemed, for the purposes of this Act, to be the Corps for that area.

(2) The State Government may, for the purpose of co-ordinating the activities of the Controllers within the State, appoint a Director of Civil Defence and every Controller shall comply with the directions given by such Director.

5 Appointment of members and officers.—(1) The State Government may appoint as members of the Corps persons who are fit and willing to serve as such and the Controller may appoint any members so appointed to such office or command in the Corps, as such member is, in the opinion of the Controller, fit to hold,

(2) Every person appointed to be a member of the Corps shall be given a certificate of membership in such form as may be prescribed.

6 Dismissal of members of Civil Defence Corps.—(1) Where any member of the Corps fails or has failed, in the opinion of the Controller, to discharge his duties as such member satisfactorily or is or has been found guilty of any misconduct in the discharge of his duties as such member, the Controller may, after an inquiry in which such member of the Corps has been given a reasonable opportunity of being heard in respect of the charges against him, by an order, dismiss such member from the Corps.

(2) Where the Controller is of opinion that the continued presence of any member of the Corps is undesirable, he may, without assigning any reason, summarily dismiss such member from the Corps.

7 Appeal.—A member of the Corps who is dismissed from the Corps under section 6 may prefer an appeal to the State Government within thirty days from the date of such dismissal and that Government may, on such appeal, confirm, modify or reverse the order made by the Controller or other authority.

8 Functions of members of Civil Defence Corps.—(1) The members of the Corps shall perform such functions in relation to the carrying out of measures for civil defence as may be assigned to them by rules made under this Act or by any other law for the time being in force.

(2) The State Government or the Controller may, by order, call out a member of the Corps for training or for discharging such functions in relation to the carrying out of measures for civil defence as may be specified in such order.

(3) Subject to such orders as the Central Government may make in this behalf, any member of the Corps of any State may at any time be required, by order, to discharge functions in relation to civil defence in any other State and shall while discharging such functions, be deemed to be a member of the Corps of that other State and be vested with the powers, functions and privileges and be subject to the liabilities of a member of the Corps in that other State.

9. Power to make regulations.—(1) The Central Government may, by notification, make regulations for carrying out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may—

- (a) prescribed the functions of the members of the Corps and regulate the manner in which they may be called out for service;
- (b) regulate the organisation, appointment, conditions of service, discipline, accoutrement and clothing of members of any or all of the Corps;
- (c) prescribe the form of certificates of membership of any or all of the Corps.

CHAPTER IV

MISCELLANEOUS

10. Provisions of the Personal Injuries (Emergency Provisions) Act to apply to injuries sustained by the members of the Corps.—The provisions of the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962), and of every scheme made thereunder shall apply, so far as may be, to every personal service injury sustained by any person appointed to be a member of the Corps as they apply to personal service injury sustained by a civil defence volunteer, subject to the modifications that—

- (a) any reference to a civil defence volunteer under that Act or any scheme made thereunder shall be construed as reference to a member of the Corps; and
- (b) any reference therein to the period of emergency shall, in relation to a member of the Corps, be construed as the period during which this Act is in force.

11. Penalties.—(1) If any members of the Corps on being called out by an order under sub-section (2) of section 8 neglects or refuses without sufficient excuse to obey such order or to discharge his functions as such

member or to obey any lawfull order or direction given to him for the performance of his functions, he shall be punishable with fine which may extend to five hundred rupees, and where such neglect or refusal is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first during which such contravention continues.

(2) If any person neglects or fails without any reasonable excuse to obey any order made or direction given to him under this Act or rules made thereunder, he shall be punishable with fine which may extend to five hundred rupees, and where such negligence or failure is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first during which such negligence or failure continues.

12. Effect of Act and rules, etc. inconsistent with other enactments. (1) The provisions of this Act or any rules made thereunder or any order made under this Act or any such rule shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

(2) Every appointment, order or rule made in relation to civil defence before the commencement of this Act by or under any law relating to civil defence shall in so far as it is not inconsistent with the provisions of this Act, continue to be in force until it is rescinded or altered under this Act, and be deemed to have been made under the corresponding of this Act.

Explanation. "Commencement of this Act", in relation to any provision or area means the commencement of that provision or, as the case may be, the commencement of this Act in that area.

13. Ordinary avocations of life to be interfered with as little as possible. Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purpose of ensuring the public safety and civil defence.

14. Savings as to orders. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a court shall, within the meaning of the Indian Evidence Act, 1872 (1 of 1872), presume that such order was so made by that authority.

15. Act not to apply to measures taken for the protection of the Armed Forces. Nothing contained in this Act or any rule, regulation or order made thereunder shall apply to the Armed Forces of the Union or to any measures taken by any of the authorities, in control of the Armed Forces of the Union for the purpose of securing civil defence or safety of such forces or for the protection of any naval, military or air force installations or stores.

16. Limitation of prosecutions. No prosecution for any offence punishable under this Act shall be instituted against any person except by, or with the consent of, the Controller or any person authorised by the Controller in this behalf.

17. Power to delegate.—The State Government may, by notification, direct that—

(a) all or any of the powers which may be exercised by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in that notification, be exercised also by such officer, not being, in the opinion of the State Government, inferior in rank to that of a District Magistrate, as may be specified in the said notification.

(b) all or any of the powers which may be exercised by the Controller under this Act shall, in such circumstances and under such conditions, if any, as may be specified in that notification, be exercised also by such officer, not being, in the opinion of the State Government, inferior in rank to that of a Sub-Divisional Magistrate, as may be specified in the said notification.

18. Protection of action taken in goodfaith.—(1) No suit, prosecution or other legal proceeding shall lie against the Government, the Director or the Controller or any person, authorised by the Government or the Controller, for anything which is in goodfaith done or intended to be done under this Act or any rules or orders made thereunder or any orders issued under any such rule.

(2) No suit or other legal proceeding shall lie against the Government, the Director or the Controller or any person, authorised by the Government or the Controller, for any damage caused or likely to be caused by anything which is in goodfaith done or intended to be done under this Act or any rule made thereunder or any order issued under any such rule.

19. Authorised persons and members of the Corps to be public servants.—Any person authorised by the Controller or the State Government under this Act and every member of the Corps, while functioning as such shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

20. Rules and regulations to be laid before Parliament.—Every rule and every regulation made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

भाग—7 भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं
तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

ELECTION DEPARTMENT

NOTIFICATION

Simla-2, the 22nd October, 1973

No. 3-27/73-Elec.—The Election Commission of India's notification No. 82/10/HP-LA/72, dated the 29th September, 1973, containing the Judgement of the High Court of Himachal Pradesh in Election Petition No. 10 of 1972, is hereby published for general information:—

By order,
L. TOCHHAWNG,
Chief Electoral Officer, Simla.

ELECTION COMMISSION OF INDIA

NOTIFICATION

*Nirvachan Sadan,
Ashok Road,*

New Delhi-1, the 29th September, 1973

No. 82/HP-LA/72.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgment of the High Court of Himachal Pradesh in Election Petition No. 10 of 1972.

In the High Court of Himachal Pradesh at Simla

ELECTION PETITION NO. 10 OF 1972

DATE OF DECISION: 31ST JULY, 1973

Shri Divya Prakash son of Shri Jagat Ram, resident of village and P.O. Shahpur, Tehsil and District Kangra, at present c/o Shri Padam Nabh Nag, Advocate, Simla
Through Shri Padam Nabh Nag, Advocate.

Versus

1. Shri Kultar Chand Rana, Advocate, Dharamsala at present, Speaker, Himachal Legislative Assembly, Simla.

2. Shri Bishan Dass, Advocate, Kangra, Respondents. Through Mr. Inder Singh, Assisted by Mr. Bhawani Singh, Advocate.

For approval and Signature

The Hon'ble Mr. Justice J. CHET RAM THAKUR.
The Hon'ble Mr. Justice J. YES

1. Whether approved for reporting?

2. Whether there are remarks about the quality of the Judgment of the Court or Officer?

Coram:—

Chet Ram Thakur Judge:

Shri Kultar Chand Rana respondent No. 1 was declared elected to the Himachal Pradesh State Legislative Assembly from Shahpur constituency in Kangra District during the elections held in March, 1972. The petitioner, who is a voter in that constituency has challenged the election on the ground, amongst others, that respondent No. 1 at the time of filing the nomination paper and at the time of being elected as a member of the Assembly was holding an office of profit under the Government of Himachal Pradesh and as such under Article 191(1)(a) of Constitution of India he was disqualified for election to the Legislative Assembly.

The respondent was nominated Chairman of the Board of School Education of Himachal Pradesh in the year 1969 by the Himachal Pradesh Government under the provisions of the Himachal Pradesh Board of School Education Act, 1968 (hereinafter to be called the 1968 Act) and continued to work in this capacity upto 25th March, 1972. The Board was constituted by the Himachal Pradesh Government under section 3 of the 1968 Act. It was averred in the petition that the appointing and dismissing authority of the Chairman is the Himachal Pradesh Government under the law. Further, the regulations of the Board have been made by the Government under section 27 of the aforesaid Act and the salary of the Chairman has also been fixed by the Government in the scale of Rs. 1600-1800. The Government is not only the appointing and dismissing authority qua the Chairman but is also the controlling authority. The Government has the power to issue directions as to the manner in which the duties of the office are to be performed, and to determine his remuneration. In view of this the respondent was holding the office of profit under the Government at the time of his election and as such under Article 191 of the Constitution he was disqualified to contest the election.

In this preliminary objections the respondent averred that he was the honorary Chairman of the Board which was a body corporate established under section 3 of the 1968 Act. Therefore, he was not holding an office of profit under the Government of Himachal Pradesh. According to him paras 5 and 6 of the petition did not disclose any enforceable cause of action. In the alternative it was pleaded that in case it was held to be an office under the State Government the respondent was protected by the provisions of section 3(m) of the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Act, 1971 (hereinafter to be called the 1971 Act). In his reply on merit it was denied that he was holding any office of profit under the Government at the time of filing his nomination papers or at the time of his election. He further averred that the Board is a body corporate and any person who is the employee or working under that statutory body cannot be said to hold an office of profit under the Government of India or under the Government of any State as envisaged under Article 191 of the Constitution. The other averments were also denied.

The Court on the pleadings of the parties framed a large number of issues, both preliminary as well as on merits. The Preliminary issues except issue No. 7 were disposed of vide my order, dated 25th September, 1972. Out of the issues struck on merits the others were not pressed or were given up by the petitioner on whom the onus lay and, therefore, we are left only with one issue on merits, which is to the following effect;

"1. Whether the respondent No. 1 was disqualified under the provisions of Articles 102 and 191 of the Constitution from contesting the election in view of his holding the office of the Chairman of the Board of School Education?"

The preliminary issue No. 7 which was not disposed of earlier and was left to be decided on merit along with issue No. 1 with the mutual consent of the parties is also as under:—

"Issue No. 7.—Whether paras 5 and 6 of the petition do not disclose enforceable cause of action and what is its effect?"

As both these above issues are inter-connected, therefore, they shall be dealt with together.

FINDINGS ON ISSUES NOS. 1 AND 7

It is admitted that respondent on the date of the filing of the nomination papers and on the date of election was a Chairman of the Board of School Education and it is also admitted that he continued to hold this office till the 27th March, 1972, i.e. even after the results of the elections had been declared. It is also not disputed that the Board of School Education is a body corporate and the Chairman is nominated by the Government under the provisions of section 18(1) of the 1968 Act. It is contended by the learned counsel for the petitioner that the Government was the removing authority qua the Chairman and it had also control over the Board in its day to day functions. The Board had passed a resolution fixing the salary of the Chairman and the respondent could claim that salary from the Board. There is no doubt that he had contracted to renounce the salary and agreed to work in any honorary capacity but that did not protect the respondent from incurring disqualification under Article 191(1)(a) of the Constitution for election to the Legislative Assembly.

On the other hand, Shri Inder Singh learned counsel for the respondent has taken great pains to draw my attention to the various provisions of the 1968 Act. According to him, there exists no provision either in the Act or in the regulations authorising the Board to fix the salary of the Chairman of the Board nor is there any provision authorising the Government, to fix the salary of the Chairman just as in the case of a Vice-Chancellor a specific provision for fixing the salary of the office of the Vice-Chancellor has been made in the first statute of the Himachal Pradesh University. The resolution passed and sent by the Board to the Himachal Pradesh Government was not approved and the Government on the contrary passed an order appointing Shri Kultar Chand Rana in an honorary capacity. In the absence of any provision for the salary of the Chairman in the Act or the regulations the Government could make the appointment in an honorary capacity and which it did. In so far as the resolution was concerned the same was a dead letter which did not give any enforceable right to the holder of the office to claim any salary. Further on he contended that no doubt the appointment of the Chairman was made by the Government but there was no control of the Government on the Chairman in the strict sense of the word. The Board has been constituted to promote the educational interests of the people and with that object the Government exercises its general control over the Board and that control could not be like that of a master over his servant. He, therefore, contended that the Chairman did not hold any office of profit under the Government of India or the State so as to be disqualified for election under Article 191(1)(a) of the Constitution. In the alternative it had been argued that if he had incurred any disqualification, the same stood removed by section 3 (m) of the 1971 Act.

ion 3 (m) of the 1971 Act. -

The learned counsel for the parties have in support of their respective contentions relied on a catena of authorities.

Under Article 191 of the Constitution a person shall be disqualified for being chosen as a member of any of the house of the State Legislature—“(a) if he holds any office of profit under the Government of India or the Government of any State other than an office declared by law in the case of membership of either House of Parliament by Parliament and in the case of membership of a State Legislature by the Legislature of the State; not to disqualify its holder: (b), (c), (d) and (e)....”. From this, therefore, it follows that the ingredients of the disqualification as mentioned above are that, firstly, it must be an office, secondly it must be an office of profit, and, thirdly, it must be under the Government. This Principle underlying the disqualification has purposely been laid down in order to avoid any conflict between a private interest of a person and his duties as the member of the legislature for as a member he needs to be independent in order to be able to properly represent the interest of the people whom he represents. But if he holds any office of profit his interest in the office may keep him beholden to the Government, as has been held in *Dr. Deorao Laxman Anade V. Keshav Laxman Borkar (A. I. R. 1958 Bombay 314)*. In *Shivamurthy Swami Inamdar V. Aqadi Sanganna Adanappa (1971) 3 S. C. Cases 870* the essential tests for finding out whether an office in question is an office under Government and whether it is an office of profit had been laid down and the same are:—

- (1) Whether the Government makes the appointment;
- (2) Whether the Government has the right to remove or dismiss the holder;
- (3) Whether the Government pays the remuneration;
- (4) What are the functions of the holder? Does he perform them for the Government; and
- (5) Does the Government exercise any control over the performance of these functions.

In *Guru Govinda Basu V. Shankari Prasad Ghosal and others (AIR 1964 S.C. 254)* it had been laid down that for holding an office of profit under the Government one need not be in the service of Government and there need be no relationship of master and servant between them. The Constitution itself makes a distinction between them. The holder of an office of profit under the Government and the holder of a post of service under the Government. Similarly in *Raghunath Misra V. Kishore Ghandra Deo Bhanj and others (AIR 1958 Orissa 260)* the true test to determine whether a person holds an office of profit under the State is the power of the Government to appoint the person to the office or to revoke his appointment. Payment of remuneration to him from a source other than Government revenue is not always the decisive factor. Further in *Lahari Singh V. Attar Singh and others [E.L.R. (Vol. 3) 1952 P. 403]* it was laid down that the Consideration to be borne in mind in the case of an office of profit is not whether the holder himself made profit out of the office, but whether the office was one which enable him to make profit. In *Shrimati Kanta Kathuria V. Manak Chand Surana (AIR*

1970 S.C. 694) where an advocate was appointed as a Special Government Pleader to assist the Government Pleader in a particular case, the question arose whether he held any office of profit and whether he incurred disqualification laid down in Article 191(2)(a) from contesting the election. Their Lordship held that the word 'office' has various meanings depending upon its context. The words "its holder" occurring in Art. 191(1)(a) indicate that there must be an office which exists independently of the holder of the office. Similarly in *Brahma Dutt V. Baripurna Nand Family and others* (AIR 1972 Allahabad 340) relying on AIR 1970 S.C. 694, it was held that an office is subsisting permanent substantive position which has existence independent from the person who fills it which goes on and is filled in succession by successive holders. In *Moti Lal V. Raj Bahadur* [E.L.R. (Vol XV) 1958 P. 55], it was held that in order that an office may be an office of profit it is not necessary that there must be a fixed pay attached to the office. If the holder of the office can charge any fee or remuneration for exercising the function of his office he holds an office of profit. In this case one Mukat a Lawyer was acting as an oath commissioner under rule 69 of the General Rules (Civil), 1952 (Rajasthan). At the time he filed his nomination paper for election to the parliament, the Returning Officer rejected the nomination paper on the ground that Mukat was, holding an office of profit under an appropriate Government and was, therefore, disqualified under Article 102 of the Constitution. The Tribunal upheld the order of the Returning Officer and on appeal to the High Court of Rajasthan, it was held that there are certain well-accepted criteria for determining whether there is an office in existence or not. These criteria are:—

- (1) That office should be independent of the person holding it, meaning thereby that the office must exist even if the person is not there.
- (2) The office cannot be assignable or heritable.
- (3) That there should be a relation of master and servant between the Government on the one hand and the person holding the office on the other.
- (4) That it must be for a specified period.

Thus so far as an Oath Commissioner is concerned, all these characteristics of an office are present. The office of the Oath Commissioner exists whether there is any person actually appointed to it or not. It was further held that the Oath Commissioners charge certain fees for verifying affidavits and these fees being their income. Thus the office of the Oath Commissioner brings a profit to the holder thereof and it must be, therefore, held to be an office of profit. The fact that there is no fixed pay for the office is immaterial. So long as profit arises by fees or by commission to the holder of an office, the office will be an office of profit.

In order to see whether these tests are applicable in the case of the petitioner we have to go through the 1968 Act as also the regulations made thereunder by the Board. Section 3 of the 1968 Act provides for the establishment of a Board of School Education and sub-section (2) of this section makes the Board a body corporate by the name of the Board of School Education, having perpetual succession, and common seal and power to acquire and hold property, both moveable and immoveable, etc. Section 4 makes provision for the composition of the Board. It shall consist of the Chairman-*Ex-officio* member, elected members, nominated members and the co-opted members. Section 6 lays down the terms of office of the members other than the

ex-officio member, sub-section (2) of this section lays down that if the elected member ceases for any reason to be a member of the Assembly, he shall cease to be a member and his office shall become vacant. Sub-section (4) makes provision for terminating the nomination of the member before the expiry of his normal period of three years. Sub-section (5) makes provision for resigning the membership of the Board. Sub-section (6) talks about the filling up of the vacancy, that has fallen vacant because of the resignation, etc. for the remaining period. Sub-section (7) says that the outgoing member if otherwise qualified shall be eligible for re-election, re-nomination or re-co-option.

Here it would be pertinent to state that the learned counsel for the respondent contends that there is no provision in this section made for the removal, dismissal etc. of the Chairman and that was deliberately done in order to avoid the effect of Article 311 (2) of the Constitution. The Chairman has been nominated, admittedly, under provisions of section 18 of the 1968 Act, and there is admittedly no provision in the Act made anywhere for the removal, etc. of the Chairman. Obviously no provision could be made under sub-section (7) because it speaks about the resignation, removal, etc. of the other members of the Boards, whereas the Chairman cannot admittedly be removed by the Board since he has been appointed by the State and the Board being an authority lower to the State Government was not competent to take any disciplinary action and, therefore, under section 15 of the Himachal Pradesh General Clauses Act, 1968 it cannot be disputed that the power to appoint must include the power to suspend or dismiss. Hence it follows that after the appointment of the chairman is made by the Government then the removal must also be done by the Government and I may also quote with advantage *Lekhraj Sathramdas Lalvani V. M. M. Shah, Deputy Custodian-cum-Managing officer, Bombay and other* (AIR 1966 S.C. 334).

Section 10 of the Act speaks of the powers and functions of the Board, and those powers are contained in clauses (1) to (18). The functions are so to say, the prescribe courses of instructions; to conduct examinations based on such courses; admit to its examinations; publish the results; grant diplomas and certificates; prescribe conditions for recognition of the Schools; admission and receive such fees as may be prescribed; co-operate with other authorities; place before the Government the views of the Board; call for the report from the Director of the condition of any institution; apply for recognition and direct inspection of such institutions; arrange for publication of text books or other books of study; adopt measures to promote the physical, moral cultural and social welfare of students in recognised institutions; organisation of lectures on administration on educational exhibitions, seminars and symposiums; institute and award scholarships; conduct departmental examinations; take necessary steps with regard to modernising the School curricula, strengthening of science and mathematics education, etc. and to do all such other acts and things ancillary to any of the purposes specified therein for the purpose of carrying into effect the provisions of the Act.

Section 11 enumerates the powers of the Government *vis-a-vis* the Board. The Government has been given the powers to address the Board with reference to anything conducted or done by the Board and to communicate to the Board its views on the matter with which the Board is concerned and the Board is required to report to the Government such action if any as it proposes to take or has taken up on the communication received

under sub-section (1) and furnish an explanation for failure to take action. If the Board has failed to take action to the satisfaction of the Government with reference to the matter covered by the Communication the Government after considering the explanation has been authorised to issue directions consistent with the Act as it may think fit and the Board shall comply with such directions and in case of emergency the Government is also clothed with the power to take any such action consistent with the Act. Further, the Government has been given the power to suspend the execution of any resolution or order of the Board or prohibit the doing of any act ordered or purported to be ordered to be done by the Board, if the Government is of opinion that such a resolution, order or act is in excess of the powers conferred by or under the Act upon the Board. However, the Government is required to place a report on the table of the Legislative Assembly at the earliest possible opportunity stating the reasons for such action. Section 12 states about the constitution of the Board section 14 states about the application of the Board funds. The funds of the Board are to be appropriated towards the payment of the charges and expenses incidental to the several matter specified in the Act and to any other purpose for which by or under the Act powers are conferred or duties imposed upon the Board. Section 17 says as to who are the officers of the Board, Chairman is also included in the officers of the Board. Section 18 talks about the nomination of the Chairman, about his qualifications, the nature of his office and his eligibility for re-election. Section 19 says that the Chairman shall be the Administrative Head of the Board and his duties shall be to see that the Act and the regulations are faithfully observed and he shall have all the powers necessary for the purpose. Section 23 talks about the other officers and servants of the Board, and sub-section (4) of this section speak about the qualifications and conditions of service and the scale of pay of officer and servants of the Board other than the Deputy Secretary Assistant Secretary and Secretary and which are to be determined by the regulations. Section 24 talk about the constitution of the various committees to be appointed by the Board. Section 26 talks about the powers of the Board to make regulations and it further says that Board may make regulations for the purpose of carrying into effect the provisions of this Act. The purposes for which regulations are to be made are given thereunder. According to section 26 (2)(i) provision has been made for the making of regulations with regard to the appointment of officers, clerks and other servants of the Board and conditions of their service. Clause (p) of sub-section (2) of section 26 states about the emoluments and allowances of the members of the Board and all its committees. Section 27 states that the first regulations shall be made by the Government and they shall be deemed to have been made by the Board and continue in force until altered or modified by the Board.

Now we have to study the provisions of the regulations.

The first regulations were made by the Administrator, Himachal Pradesh on 24th December, 1970, called as the Himachal Pradesh Board of School Education regulations, 1970 (hereinafter to be referred to as the regulations) Chapter I deals with the title, commencement and the definitions. Chapter II deals with the meetings of the Board and rules for the elections of the Committees. Regulation 2 of Chapter II provides for bye-laws relating to the procedure to be observed at the meetings of the Board and its committees. Chapter III deals with the terms of office of members and the committees and

filling up of vacancies. Under regulation 27 of Chapter III is mentioned the constitution of the Executive Committee and Chairman is also shown as one of the persons who is to be on the Committee. Regulation 29 under this Chapter states that subject to the control of the Board of the Executive Committee shall have powers enumerated thereunder and in clauses (n) and (o) are given the powers for fixing and determining the rates of travelling, halting and conveyance allowances to the members of the Board and the Committees thereof. Chapter IV deals with the officers of the Board and it has been stated therein that the appointment, terms of office and powers of the Chairman have been laid down in sections 18 and 19 of the Act and the powers delegated to him under clause 19 (5) of the Act are also enumerated therein. Chapter VI deals with the finances of the Board. Chapter XII deals with the appointment, conditions of service of the officers and the employees of the Board and the deputationists to the Board. Regulation No. 1 under this Chapter lays down the classification of the employees. Part 2 of this Chapter deals with the appointment, suspension, removal and control over the employees of the Board who are divided into three clauses, (a), (b) and (c).

Thus from the perusal of the scheme of the 1968 Act the position that emerges is that the Chairman is an officer of the Board. He is also a member of the Board. However, in the Act there does not appear to be any provision about the salary of the Chairman. Mr. Nag contends that clause (18) of section 10 is the residuary clause whereby the Board has been given the power to fix the salary of the Chairman. But this submission of Mr. Nag is barren of substance. Section 10 enumerates the power and functions that are to be performed by the Board. After a close study of this section it would be apparent that this clause deals with the allied matters to those mentioned in the forgoing clauses of that section and for purposes of carrying out the provisions of the Act. Therefore, it cannot be said that clause (18) is a residuary clause under which the Board is clothed with the authority to fix the salary of the Chairman of the Board.

The petitioner had pleaded in para 6 (c) of the petition that the salary of the Chairman had been fixed by the Government and the scale also had been given therein. It had also been mentioned that regulations under section 27 of the aforesaid Act had been made and the salary had been fixed by the Government meaning thereby that the Government had been authorised to fix the salary of the Chairman under the regulations. In view of this stand taken by the petitioner in the pleadings he cannot now be permitted to take up a stand contrary to his pleadings. In the first instance there is no power vested in the Board under the provisions of section 10 (18) of the 1968 Act nor the petitioner has taken that stand in the pleadings that it was the Board which was the competent authority for fixing the determining the salary of the Chairman as he has now attempted to do during the course of arguments.

The further submission is that section 26 gives power to the Board to make regulations providing for the purposes of carrying out into effect the provisions of the Act. In other words, what he means to say is that the Act gives the power to the Board to make Regulations for fixing the salary of the Chairman and a pointed reference has been made to clause (p) of sub-section (2) of section 26, in which there is a mention about the emoluments and allowances to members of the Board and all its committees. Section 26 (2) (p) reads as:—

“(2) In particular and without prejudice to the generality of the foregoing power, the Board may make

Regulations providing for all or any of the following matters, namely:—

- (a) to (o) XXX XXX XXX
(p) the emoluments and allowances of members of the Board and all its committees; and
(q) XXX XXX XXX

This clause undoubtedly speaks about the power of the Board to make regulations for providing for emoluments and allowances to the members of the Board and its Committees, but there is no separate and independent provision about the salary for the office of the Chairman. Primarily the Board has been authorised to make regulations for the purposes of carrying into effect of the provisions of the Act and in particular with regard to the matters specified therein.

The regulations have been perused and there is no provision whatsoever about the salary of the Chairman. The resolution, exhibit PW I/C was passed by the Board fixing the scale of pay for the post of Chairman. This resolution, it is not disputed, was sent to the Government. The stand in the petition was that the Government sanctioned the scale of pay which means that it was sent by way of recommendation. This further finds support from the statement of Miss Bhagat (PW 1) also that the resolution was sent to the Government by way of recommendation which means that the Board was not competent to fix the salary. It merely proposed the salary subject to the approval of the Government. However, I have already stated that there is no specific provision authorising the Board to fix the salary or remuneration of the Chairman. Section 26 (2) (p) merely says that the regulations would be made for such and such purposes and the determination of emoluments and allowances of the members of the Board and its committees is also one of the purposes, but no regulations had been framed. The learned counsel for the petitioner has contended that in the absence of any regulations, the Board was competent to pass a resolution fixing the salary of the Chairman of the Board and that the resolution passed by the Board had the force of a regulation. The learned counsel has relied on a number of authorities to support his contention that the Board being a corporate body was a State and any resolution, etc. passed by that authority had the force of law or regulation as contemplated under Article 13 of the Constitution. This argument may be set at rest by saying that the corporate body is a State and any rule or regulation passed by it has got the force of law, is only for purposes of Chapter III of the Constitution which deals with Fundamental rights and, therefore, there is no need to cite the authorities.

The further contention is that in the absence of any regulation the Board in exercise of its executive powers had the authority to pass a resolution so as to carry on its work and in this behalf also reliance is placed on *B.N. Nagrajam and others etc. Vs. State of Mysore and others etc.* (AIR 1966 S.C. 1942), which says that:—

“There is nothing in terms of Act, 309, Proviso, which abridges power of executive to act, without a law under Art. 162.”

This authority has got no application. Though the Board is a corporate body yet it cannot be compared to the State so as to have executive exercisable under Article 162 of the Constitution.

The further submission is that there is no prohibition under sections 26, 23 (4) and 10 (18) to do a particular thing, and, therefore, in the absence of any specific prohibition the Board was competent to pass a resolution

and for this also reliance is placed on *Mysore State Board Transport Corporation Vs. Gopinath Gundachar Ghar* (AIR 1968 S.C. 464). It was held in this authority that:—

“The conjoint effect of Ss. 14 (23) (b), 34 and 45 (2) is that the appointment of officers and servants and their conditions of service must conform to the directions, if any, given by the State Government under S. 34 and the regulations if any, framed under section 45 (2) (c). But until such regulations are framed or directions are given the Corporation may appoint such officers or servants as may be necessary for the efficient performance of its duties on such terms and conditions as it thinks fit. There is necessarily a time-lag between the formation of the Corporation and the framing of regulations under section 45 (2). During the intervening period, the Corporation must carry on the administration of its affairs with the help of officers and servants. In the absence of clear words, it is difficult to impute to the legislature the intention that the Corporation would have no power to appoint officers and servants and fix the conditions of service unless the regulations under Section 45 (2) are framed.”

The authority is distinguishable. There was the question of appointment of officers and servants of the Corporation. In the instant case the question is about the determination of the remuneration of the Chairman. He is nominated by the Government and not by the Board. The Act and the regulations do not make any provision for fixation and determination of the salary of the Chairman. Therefore, the Board could not be said to be competent to pass any resolution merely because there existed a provision under section 26 (2) (p) that regulations may be made providing for remuneration and allowances of the members of the Board. The first regulations had to be made by the Government and the Board was not competent to pass any resolution so as to take the place of a regulation. Moreover, this stand is totally against the case of the petitioner, as contained in para 6 (c) of the petition.

It had also been urged that section 23 (4) of the 1968 Act makes a provision for the conditions of service and the scales of pay of officers and servants of the Board. The Chairman being an officer of the Board was also covered by that sub-section and, therefore, the Board was competent to fix the salary. The argument is wholly devoid of any force because the bare perusal of the section would reveal that the word, “officers” occurring in this sub-section (4) does not cover the Chairman. It relates only to those officers who are appointed by the Board and not by the Government. Therefore, this point also fails.

The resolution, it may be stated was passed by the Board without any lawful authority because the first regulations were to be made by the State Government and the regulations which were made did not contain any provision authorising the Board to fix the remuneration or salary of the Chairman. The resolution, therefore, was a dead letter, giving no enforceable cause of action to the respondent because he had contracted to act in honorary capacity vide his consent note Exhibit PW 4/B. The object in not making any provision either in the Act or the regulations for the salary of the Chairman appears to be that the Chairman is to be an eminent educa-

tionist and his term is only for three years in the first instance and there may be persons who may like to work in an honorary capacity, like the respondent, and there may be persons who may not be agreeable even on payment of a fat salary. Therefore, it has been left, I think, to the discretion of the Government of fix the remuneration of the Chairman. Further, the contract entered into by the respondent would also show that the office of the Chairman is not a salaried officer. The appointment letter of Shri Tapinder Singh which has been placed on the record by the petitioner also shows that this pay is personal and not attached to the office. If the pay is not attached to the office and is attached to the holder of the office then it does not amount to an office of profit. In the instant case Shri Kultar Chand Rana admittedly did not draw any salary on the basis of the contract but his successor was allowed a salary at Rs. 1800 by the notification, dated 28th September, 1972. This Notification states the terms and conditions of nomination of Shri Tapinder Singh. It clearly goes to show that the pay is attached to the holder. The office is permanent and it does not fall in succession or by inheritance and the office is also independent of the holder but the fact remains that no profit is attached to the office and the salary is attached to the holder. Therefore, the resolution which has been made the basis for the challenge of election of Shri Kultar Chand Rana was not at all acted upon nor it was approved by the Government.

The learned counsel for the petitioner has also attached the validity of the notification, Exhibit PW1/A. According to him, the first portion of the notification whereby the appointment of the respondent has been made by the Government is valid but the latter portion whereby the appointment has been made honorary is void and that the void part can be severed from the valid part and he has relied on a number of authorities, on the point as to what is void and voidable and also on the doctrine of severability. But suffice it to say that all these authorities are besides the point and the application of doctrine of severability is not at all attracted. The notification nominating Shri Kultar Chand Rana has been made by the competent authority under section 18 of the 1968 Act. He was appointed in an honorary capacity and that portion of the notification is also quite valid in as much as there is no provision in the Act or the regulations about the remuneration of the Chairman, who is nominated by the State Government and, therefore, it is the State Government who is competent to fix his salary at its discretion according to the qualifications and the terms and conditions settled with the incumbent at a particular time keeping in view his academic qualifications. The respondent consented to work in an honorary capacity and the Government accepted the same. Therefore, there is nothing wrong when it is not against the statutory provisions. In view of this I hold that no salary is attached to the office nor Shri Kultar Chand Rana drew any salary nor was he capable of receiving in terms of the contract.

It is a common ground that the Chairman is nominated by the Government and under section 11 of the 1968 Act the Government exercises a certain amount of control over the functions of Board for which the Chairman is directly responsible, therefore, in a way the Chairman is under the control of the Government.

The next submission made by the learned counsel for the petitioner is that the T.A. and D.A. is allowed to the respondent vide notification No. 1/229/70-Sectt.EDO-I, dated 6th March, 1971 and that he was thereby disquali-

fied. But this submission has got no force. According to section 2(a) of the 1971 Act "compensatory allowance" means such sum of money as the Government may determine as being payable to the holder of an office by way of travelling allowance, daily allowance, sitting allowance, conveyance allowance or house rent allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office. Section 3 of the aforesaid Act deal with the prevention of disqualifications for membership of the Legislative Assembly of Himachal Pradesh and it says that a person shall not be disqualified for being chosen as, and for being, a member of the Himachal Pradesh Legislative Assembly only by reason of the fact that he holds any of the following offices of profit under the Government of India or the Government of any State:—

"(a) to (1)

XXX

XXX

XXX

(m) The office of Chairman or Vice-Chairman, director, or member of any statutory or non-statutory body other than any such body as is referred to in clause (1) if the holder of such office is not entitled to any remuneration other than compensatory allowance."

Thus in view of clause (m) of section 3, the grant of T.A. and D.A. to the holder of the office of the Chairman is protected and the holder of the office getting any such payments which fall within the definition of compensatory allowance will not incur disqualification for election to the Parliament or the State Legislature.

The learned counsel has further contended that the respondent has been allowed an official car, a house, a driver and a peon and this would also make the office an office of profit. But here it would be pertinent to say that the petitioner did not take a specific plea with regard to these concessions and amenities which he sought to elicit out in the examination of Miss Bhagat (PW 1). Moreover, the grant of a car and a house will not amount to any office of profit as the Chairman is entitled to conveyance and house rent allowance in lieu thereof, therefore, this would also be covered by the definition of compensatory allowance and he is protected under section 3 (m) of the 1971 Act. As for the amenities of a chauffeur and a peon it is quite immaterial in as much as the chauffeur is a necessary appendage when the car has been placed at the disposal of the Chairman and the peon is also necessary to mentioned house. Therefore, these concessions in the first instance which have not been taken in the pleadings and secondly which have been only tried to be proved in evidence without any pleadings do not amount to any office of profit, and if they do, they are covered under section 3(m) read with section 2(a) of the 1971 Act.

It had further been contended that the respondent had not gone into the Witness-box to rebut the case of the petitioner with regard to the T.A. and D.A. and other amenities and that adverse inference must be drawn against him under section 114(g) of the Indian Evidence Act. The respondent did not deny that he drew T.A. and D.A. and used official car and residence, therefore, there was not point of any rebuttal. Hence this argument also fails.

To some up, the Board is a corporate body, the office of the Chairman is a continuing office and there is no salary fixed to the office. Shri Kultar Chand Rana was nominated by the Government in an honorary

capacity and the former had also consented to work as such. The Government being the appointing authority was the removing authority in terms of section 15 of the Himachal Pradesh General Clauses Act. The control of the Government was also there. Shri Kultar Chand Rana held the office, which was an office under the Government of Himachal Pradesh but the office was not an office of profit. The T.A. and D.A. paid to the respondent is covered by the definition of the compensatory allowance for the purpose of the 1971 Act and as such the holder drawing any such compensatory allowance is protected from incurring disqualification under section 3(m) of the aforesaid Act. Shri Tapinder Singh the successor of Shri Kultar Chand Rana, was nominated by the Government and while fixing his terms and conditions of service his pay was fixed at Rs. 1800/ and this would further show that there was no pay attached to the office but to the hol-

ders in order to incur disqualification it must be attached to the office which must be independent of the holder of the office. The resolution passed by the Board was without authority, it was never acted upon and it is a dead letter. In view of the contract Shri Kultar Chand Rana could not enforce his claim against the Board or the state for view of this the issues are decided against the petitioner.

The result, therefore, is that the petitioner fails and is hereby dismissed with costs, assessed at Rs. 2,000 to be paid to Shri Kultar Chand.

July 31st, 1973.

CHET RAM THAKUR,
Judge.

By order,
B. N. BHARDWAJ,
Secretary.

अनुपूरक

(देखिए पृष्ठ 1910-1913)

PART III

REVENUE DEPARTMENT NOTIFICATION

Simla-4, the 17th November, 1973

No. 2-20/69-Commr.—It is hereby notified in accordance with clause IV of Appendix 'E' of the Financial Commissioner, Punjab's Standing Order No. 12, as applied to Himachal Pradesh, that the next Departmental Examination of Naib Tehsildars will be held at Solan on the dates and the time specified below:—

Date	Time	Paper	Date	Sheet
<i>The Himachal Pradesh Land Revenue Act and Rules</i> (with the aid of books)				
<i>The Himachal Pradesh Land Records Manual</i> (with the aid to books)				
25-11-73	10 A.M. to 1 P.M.	I Chapter-2 Chapter-3 Chapter-4 Chapter-5 Chapter-7 Chapter-8 Chapter-9 Chapter-10 Chapter-13 Chapter-15 Chapter-18		Kanungos. Patwaris. Surveys. Alluvion and Diluvion. Record of Rights. Inspection of Revenue Records. Harvest Inspection. Agricultural Statistics. Fore casts of crops. Crop experiments. Procedure in partition cases.
<i>Financial Commissioner Standing Orders</i> (with the aid of books)				
		Standing order No. 2.		Proceedings and suits, between land Lords and Tenants.
		Standing order No. 13.		General Procedure of Revenue Officers and Courts.
		Standing order No. 4.		Revenue Agents.
		Standing Order No. 7.		Assignments of Land, Revenue and Pension.
		Standing order No. 20		Village Headman.
		Standing order No. 22		Land Acquisition.
		Standing order No. 29		Coercive Processes.
		Standing order No. 30		Suspensions and remissions.
		Standing order No. 31		Land Revenue Accounts.
		Standing order No. 32		Land Improvement Loans, and Agriculturists loans.
		Standing order No. 16		(Part E) Patwaris Surveys.

Date	Time	Paper	Date Sheet
			<i>Himachal Pradesh Nautor Rules</i> (with the aid of books)
25-11-73	2 P.M. to 5 P.M.	II	<i>Arithmetic upto the Matriculation Standard—Patwari's Mensuration Manual.</i>
26-11-73	10 A.M. to 1 P.M.	III	<i>Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 and Rules thereunder.</i> (with the aid of books) <i>Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation) Act, 1971 and Rules.</i> (with the aid of books) <i>Punjab Settlement Manual</i> (with the aid of books). (i) Appendix VII—Procedure connected with the complete re-measurement of a village. (ii) Appendix VIII—Documents included in standing records. (iii) Appendix IX—Village list of rents, mortgages and sales. (iv) Appendix XXX—Instructions regarding map corrections. <i>Punjab Land Administration Manual</i> (with the aid of books) (i) Chapter-II (ii) Chapter-VI (iii) Chapter-VII (iv) Chapter-VIII (v) Chapter-XI (vi) Chapter-XIII (vii) Chapter-XV (viii) Chapter-XVI (ix) Chapter-XXII
26-11-73	2 P.M. to 5 P.M.	IV	<i>The Indian Registration Act, 1908 and the Punjab Registration Manual as applied to Himachal Pradesh.</i> (with the aid to books) <i>The Indian Stamps Act, 1899.</i> (with the aid of books) <i>The Punjab Excise Act and Manual as applied to Himachal Pradesh. The Opium Act, the Punjab Opium Smoking Act and the Dangerous Drugs Act, 1930, as applied to Himachal Pradesh.</i> (with the aid of books) <i>Himachal Pradesh Panchayati Raj Act and Rules.</i> (with the aid of books)
27-11-73	10 A.M. to 1 P.M.	V	<i>The Code of Criminal Procedure (omitting following Chapters):—</i> (with the aid of books) Chapter 18 of the Inquiry into case triable by the Court of Session or High Court. Chapter-22 of Summary Trials. Chapter-23 of Trials before High Courts and Courts of Session. Chapter-27 of the submission of sentence for confirmation. Chapter-28 of execution. Chapter-31 of appeals. Chapter-32 of Reference and Revision. Chapter-33 of special provisions relating to cases in which European and Indian British subject are concerned (repealed). Chapter-37 Directons of the Nature of a Habeas Corpus. Chapter-43 of the disposal of property. Chapter-44 A supplementary provisions relating to European and Indian British subjects and others (repealed). Chapter-45 of Irregular Proceedings. <i>Indian Penal Code (omitting following Chapters):—</i> (with the aid of books) Chapter-6 Chapter-7 Chapter-12 Chapter-18 Chapter-21

Date	Time	Paper	Date Sheet
27-11-73	2 P.M. to 5 P.M.	VI	<p><i>The Code of Civil Procedure omitting following section parts and orders.</i> (with the aid of books) Section-88 where interpleaders suit may be instituted. Section-89 Arbitration (repealed). Section-93 Exercise of powers of Advocate General Presidency-Towns. Part-VII Appeals. Part-VIII Reference Review and Revision. Part-IX Special provisions relating to the High Court not being the Court of a Judicial Commissioner. Order XXIX Suits by or against Corporations. Order XXX Suits by or against Firms and persons carrying on business in names other than their own. Orders XXXI Suits by or against Trustees, Executors or Administrators. Order XXXVI Special cases. Order XL Appointment of Receivers. Order XLI Appeals for Original Decrees. Order XLII Appeals from Appellate Decrees. Order XLIII Appeals from Orders. Order XLIV Pauper Appeals. Order XLVI Reference. Order XVII Reveiw. Order XLIX Chartered High Courts.</p>
28-11-73	10 A.M. to 1 P.M.	VII	<p><i>Indian evidence Act</i> (with the aid of books). <i>Fundamental Rules</i> (with the aid of books). Chapter-I Extent of application. Chapter-II Definition. Chapter-III General condition of service. Chapter-IV Pay. Chapter-V Additions to pay. Chapter-VIII Dismissal Removal and Suspensions. Chapter-X Leave. Chapter XI Joining time.</p> <p>2. <i>Supplementary Rules</i> (with the aid of books). Chapter-I Extent of application. Chapter-II Definitions. Chapter-VI Travelling Allowance together with Panjab Travelling Allowance Rules. Chapter-VII Record of Service.</p> <p>3. <i>E.S.R. (Vol. 1)</i> (with the aid of books). Chapter-V Ordinary Pension. Chapter-XVI Condition of qualifying service. Chapter-XVII Rules for Reckoning Service. Chapter-XVIII Condition of grant of pension. Chapter-XIX Amount of pension. Chapter-XXI Re-employment of pensioners.</p> <p>4. <i>C.S.R. Vol. II</i> (with the aid of books). Civil Pension (Commulation) Rules. Liberalised Pension Rules. Family Pension Scheme for Central Government Employees, 1964. General Provident Fund (Central Services), Rules. Central Provident Fund (Central Service), Rules. Centrl Civil Service (Classification Control and Appeal) Rules, 1965. Central Civil Service (Temporary Services), Rules, 1965. Central Civil Service (Conduct), Rules, 1964.</p> <p>5. <i>Himachal Treasury Rules (Vol. I and II)</i> (with the aid of books). Chapter-I General system of control over treasuries. Chapter-II Payment of Revenue of the State into the Public accounts. Chapter-III Custody of money relating to or standing in Public Accounts. Chapter-VI Responsibility for money withdrawn. Chapter-VII Inter Government transations.</p>

Date Time Paper

Date Sheet

6. *Himachal Financial Rules Vol. II* (with the aid of books).
Appendices 2, 4, 14, 15, 16 and 18.7. *Accounts Code Vol. I* (with the aid of books)
Chapter-III Pay and Allowances Central Rules.
Chapter-IV Gazetted Officers Bills.
Chapter-V Establishment.
Chapter-VI Contingent Charges.8. *Himachal Pradesh Budget Manual* (with the aid of books)

29-11-73 2 P.M. to 5 P.M.

VIII

Hindi (in Dev Nagri Script).

GANGESH MISRA,
Divisional Commissioner.

PART IV

PROCLAMATION UNDER ORDER 5, RULE 20,
C. P. C.In the Court of Shri Surendra Prakash, Senior Sub-
Judge, Simla and Kinnaur Districts, Himachal Pradesh
at Simla

Suit No. 54/1 of 1972

Shri Bakshi Ram s/o L. Jagan Nath, Proprietor,
Simla Coal Company, Cart Road, Simla. ... Plaintiff.

Versus

1. M/s Kwaliti Restaurant Argyle House, the Mall
Simla, through Chander Mohan.2. Shri Suresh Mohan s/o Shri G. N. Mehta,
Manager, Kwaliti Restaurant, the Mall Simla, residing
at Fay Lodge, Cart Road Simla. ... Defendants.

To

Shri Suresh Mohan s/o Shri G. N. Mehta, Manager,
Kwaliti Restaurant, the Mall Simla, residing at Fay
Lodge, Cart Road Simla.

In the above noted case it has been proved to my satisfaction that the above named defendant Shri Suresh Mohan can not be served in the normal course of service. Hence this proclamation is hereby issued and above named defendant is directed to appear in this court on 28-11-1973 at 10 A.M. personally or or through a pleader or authorised agent, failing which *ex parte* proceedings will be taken against the above named defendant.

Given under my hand and the seal of the court this 16th day of November, 1973.

Seal.

SURENDRA PRAKASH,
Senior Sub-Judge.In the Court of Shri R. L. Khurana, Senior Sub-Judge,
Solan at Kandaghat

File No. 64/72 Suit for Recovery

Nand Kishore and others ... Plaintiffs.

Versus

Ved Parkash

To

Shri Ved Parkash
Office of the Commandant,
1st H. P. S. S. B. Battalion,
Kumarsain.

Defendant.

Whereas it has been proved to the satisfaction of this Court that the defendant above named cannot be served in an ordinary way. Hence this proclamation is hereby issued under Order 5, Rule 20, C. P. C. against the above defendant and directed to appear in this court on 4-1-1974 at 10 A. M. in person or through authorised agent and Advocate otherwise the case will be decided as an *ex parte* against you defendant.

Given under my hand and the seal of the court this 14th day of November, 1973.

R. L. KHURANA,

Seal.

Senior Sub-Judge.

बगदालत श्री एल० आर० बांटा प्रतिष्ठन अधिकारी महोदय,
तहसील अर्की, जिला सोलन ।

फायल नम्बर 40/1973

श्री पदा नरातु, पुत्रगण साधू, वासी दशेरन-परगना, ध्यालठ, तहसील
अर्की, जिला सोलन ।

बनाम

1. श्री दुर्गा पुत्र ध्यानु राजपूत वासी भलेवत, इलाका मधान, तहसील
ठियोग, जिला शिमला 2. धर्म सिंह, 3. जगत सिंह, 4. धीमी चन्द
पुत्रगण बदाम सिंह, 5. प्रेम सिंह, 6. जस्वन्त सिंह पुत्रगण निका,
वासी दशेरन वाला, परगना ध्यालठ, तहसील अर्की, जिला सोलन,
हिमाचल प्रदेश फरीक दोयम ।

दरखास्त जेर धारा 11 हि० प्र० बड़ी जमिंदारी उनमूलन तथा
भूमि मुधार अधिनियम नं० 15 (1954) बराये हसूल मलकीयत
आराजी मन्दर्जा खेवट नं० 20, खतौनी, नं० 53, खसरा नम्बर 370
तदादी 2 विधा 10 विस्वा बाका मौजा, दशेरन वाला, परगना
ध्यालठ । तहसील अर्की जिला सोलन, हिमाचल प्रदेश

हरगाह मुकदमा उपरोक्त में अदालत को तसली हो गई है
कि श्री दुर्गा पुत्र ध्यानु फरीक दोयम की तामील साधारण तरीके से
होनी कठिन है अतः बजरिया इशतहार हजा श्री दुर्गा फरीक दोयम
मजकूर को सूचित किया जाता है कि यदि उसे उपरोक्त दरखास्त
के द्वारा कोई उजर हो तो तारीख पेशी 3-12-1973 को मुबह

10 बजे असालतन या वकालतन हाजिर अदालत होकर पैरवी मुकदमा करें अन्यथा कार्यवाही जाब्त अमल में लाई जावेगी।

आज तिथि 13-11-73 को हमारे दस्तखत व मोहर अदालत से जारी हुआ।

आज तिथि 13-11-1973 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एल० आर० घांटा,
प्रतिधन अधिकारी।

मोहर।

एल० आर० घांटा,
प्रतिधन अधिकारी।

बअदालत श्री एल० आर० घांटा प्रति धन अधिकारी महोदय,
तहसील अर्की, जिला सोलन।

फायल नम्बर 42/1973

बअदालत श्री एल० आर० घांटा, प्रतिधन अधिकारी महोदय,
तहसील अर्की, जिला सोलन, हिमाचल प्रदेश।

श्री नथू राम पुत्र साधू, चैतराम पुत्र सौकु, वासी दशेरन वाला
परगना घ्यालठ, तहसील अर्की, जिला सोलन ... साधलान।

फायल नम्बर 41/1973।

बनाम

श्री शौकिया पुत्र लोभी, वासी दशेरन वाला, परगना घ्यालठ,
तहसील अर्की, जिला सोलन। ... मायल

बनाम

1. श्री दुर्गा पुत्र ध्यानु राजपूत, वासी भलेवत, इलाका मधान
तहसील ठियोग, जिला शिमला, 2. धर्म सिंह, 3. जगत सिंह, 4.
धीमी चन्द पुत्रगण बदाम सिंह, 5. प्रेम सिंह, 6. जस्वन्त सिंह पुत्रगण
निन्दन-वासी दशेरन वाला परगना घ्यालठ, तहसील अर्की, जिला
सोलन, हिमाचल प्रदेश। ... फरीक दोयम।

1. श्री दुर्गा पुत्र ध्यानु राजपूत, वासी भलेवत, इलाका मधान, तहसील
ठियोग, जिला शिमला 2. धर्म सिंह, 3. जगत सिंह, 4. धीमी चन्द
पुत्रगण बदाम सिंह, 5. प्रेम सिंह, 6. जस्वन्त सिंह पुत्रगण निका,
वासी दशेरन वाला, परगना घ्यालठ, तहसील अर्की, जिला सोलन,
हिमाचल प्रदेश ... फरीक दोयम।

दरखास्त जेर धारा 11 हि० प्र० बडी ज़मींदारी उन्मूलन तथा
भूमि सुधार अधिनियम नं० 15 सन् 1954 बराये हसूल मलकीयत
आराजी मन्दर्जा खाता नं० 20, खतौनी नं० 54, खसरा नम्बरान 364
व 371 किता 2, तादादी 4 बीघा 19 विस्वा, वाका मौजा दशेरन
वाला, परगना घ्यालठ, तहसील अर्की, जिला सोलन, हिमाचल प्रदेश।

दरखास्त जेर धारा 11 हिमाचल प्रदेश बडी ज़मींदारी उन्मूलन
तथा भूमि सुधार अधिनियम नं० 15 (1954) बराये हसूल
मलकीयत आराजी मन्दर्जा खेवट नं० 20, खतौनी नं० 52, खसरा
नम्बर 363 व 369, किता 2, तादादी 2 बीघा 7, विस्वा, वाकया मौजा
दशेरनवाला, परगना घ्यालठ, तहसील अर्की।

हरगाह मुकदमा उपरोक्त में अदालत को तसली हो गई है
कि श्री दुर्गा पुत्र ध्यानु फरीक दोयम की तामील साधारण तरीके
से होनी कठिन है। अतः वजरीया इस्ताहर हुआ श्री दुर्गा फरीक
दोयम मजकूर को सूचित किया जाता है कि यदि उसे उपरोक्त
दरखास्त के बारे कोई उजर हो तो तारिख 3-12-1973 को सुबह
10 बजे असालतन या वकालतन हाजिर अदालत हो कर पैरवी मुकदमा
करें अन्यथा कार्यवाही जाब्त अमल में लाई जावेगी।

हरगाह मुकदमा उपरोक्त में अदालत को तसली हो गई है कि
दुर्गा पुत्र ध्यानु फरीक दोयम की तामील साधारण तरीके से होनी
कठिन है अतः वजरीया इस्ताहर हुआ श्री दुर्गा फरीक दोयम मजकूर
को सूचित किया जाता है कि यदि उसे उपरोक्त दरखास्त के द्वारा कोई
उजर हो तो तारीख पेशी 3-12-1973 को सुबह 10 बजे असालतन या
वकालतन हाजिर अदालत हो कर पैरवी मुकदमा करें अन्यथा कार्य-
वाही जाब्त अमल में लाई जावेगी।

आज तिथि 13-11-1973 को हमारे हस्ताक्षर व मोहर अदालत
से जारी हुआ।

मोहर।

एल० आर० घांटा,
प्रतिधन अधिकारी।

DAILY RAINFALL RECORDED IN HIMACHAL

District and Station	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Bilaspur:																			
Sadar	1.0	—	—	2.0	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ghumarwin	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Raghunathpura	—	—	—	—	—	—	—	—	—	—	3.0	—	—	—	—	—	—	—	—
Bilaspur Obs.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chamba:																			
Chamba	26.1	—	—	—	—	—	—	—	—	—	9.8	—	—	25.6	13.5	4.2	—	—	—
Ludrera	—	—	—	—	—	—	—	—	—	—	3.8	—	1.3	11.4	—	—	—	—	—
Chhatrari	—	6.3	—	—	—	—	—	—	—	—	34.0	—	3.0	34.0	18.3	7.0	—	—	—
Bhandal	—	—	—	—	—	—	—	—	—	—	6.8	—	—	8.6	9.4	3.2	—	—	—
Chowari	10.7	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bathri	—	—	—	—	—	—	—	—	—	—	5.5	—	—	6.0	2.0	1.5	—	—	—
Kalatop	—	—	—	—	—	—	—	—	—	—	6.4	8.2	3.0	12.0	15.3	18.5	—	—	—
Bharmour	—	—	—	—	—	—	—	—	—	—	5.0	—	—	16.0	13.0	14.0	—	—	—
Tissa	—	—	—	—	—	—	—	—	—	—	10.3	2.2	10.2	—	26.4	—	—	—	—
Bhanota	—	—	—	—	—	—	—	—	—	—	10.2	—	7.6	12.7	10.9	2.5	—	—	—
Kilar	—	—	—	—	—	—	—	—	—	—	5.5	—	1.3	0.8	0.7	—	—	—	—
Kangra:																			
Palampur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hamirpur	—	—	—	—	—	—	—	—	1.0	11.0	—	—	—	—	—	—	—	—	—
Dehra	—	—	—	—	—	—	—	—	—	—	12.0	—	—	—	—	8.0	—	—	—
Kangra	—	—	—	—	—	—	—	—	—	4.6	—	—	12.1	—	—	—	—	10.8	—
Dharamsala	—	—	—	—	—	—	—	—	5.0	—	—	—	—	5.0	1.3	—	—	—	—
Nurpur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Una	—	—	—	—	—	—	—	—	—	4.1	—	—	—	—	—	—	—	—	—
Kulu:																			
Kulu	7.2	—	—	—	—	—	—	—	—	—	4.0	—	—	14.2	9.4	—	—	—	—
Banjar	—	—	5.8	—	2.6	—	—	—	—	—	2.6	—	—	—	—	—	—	—	—
Kinnaur:																			
Kilba	—	—	—	—	—	—	—	—	—	—	4.0	4.2	9.0	9.2	3.4	—	—	—	—
Sangla	—	—	—	—	—	—	—	—	—	5.8	—	2.9	—	—	—	—	—	—	5.8
Purbani	—	—	—	—	—	—	—	—	—	—	5.0	2.4	2.6	3.0	—	—	—	—	—
Nichar	—	—	—	—	—	—	—	—	0.2	0.3	—	0.2	0.4	0.2	—	—	—	—	—
Kalpa	—	—	—	—	—	—	—	—	—	—	18.3	0.3	12.2	25.4	1.0	—	—	—	—
Lahaul and Spiti:																			
Keylong	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kaza	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mahasu:																			
Rampur	—	—	—	—	—	—	—	—	—	—	6.3	4.6	—	23.9	—	—	—	—	—
Rohru	—	—	—	—	—	—	—	—	—	—	—	8.2	—	—	—	—	—	—	10.4
Jubbil	—	—	—	—	—	—	—	—	—	—	—	—	3.0	1.0	—	—	—	—	—
Chopal	6.4	—	1.4	—	—	—	—	—	—	—	—	4.6	41.5	7.8	—	—	—	—	—
Theog	—	—	—	—	—	—	—	—	—	—	—	—	76.0	4.2	—	—	—	—	—
Kumarsain	0.6	0.4	—	—	—	—	—	0.5	0.2	3.0	25.0	—	—	—	—	—	—	—	5.8
Junga	—	—	—	—	—	—	—	—	—	—	—	—	2.0	6.0	6.0	—	—	—	—
Kasumpti	10.2	—	—	—	—	—	—	—	—	—	—	—	12.0	—	—	—	—	—	—
Solan	—	—	—	—	—	—	—	—	—	—	0.4	—	0.6	4.0	—	—	—	—	—
Arki	—	—	—	—	—	—	—	—	—	—	—	0.4	—	—	—	—	—	—	—
Suni	1.0	—	—	—	—	—	—	—	—	—	2.2	—	7.4	2.0	1.4	—	—	—	—
Kotkhai	—	—	—	—	—	—	—	—	—	—	—	—	1.8	5.0	1.0	—	—	—	—
Bashla	—	—	—	—	—	—	—	—	—	5.0	—	—	11.0	8.0	—	—	—	—	9.0
Khadrula	—	—	5.1	—	—	—	—	5.1	—	5.1	2.5	13.0	5.1	2.5	—	—	—	—	13.0
Shillaroo	—	—	—	—	—	—	—	—	—	—	0.3	0.3	—	1.0	0.4	—	—	—	—
Parala	0.4	—	—	—	—	—	—	—	—	—	—	—	—	0.5	0.1	—	—	—	0.5
Kongarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Phancha	3.5	—	—	—	0.7	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mashobra (Agromet)	2.5	30.5	—	—	—	—	—	—	—	—	2.2	3.4	17.6	2.5	11.4	0.5	—	—	—
											5.3	—	6.4	7.3	—	—	—	—	—

PRDESH FOR THE MONTH OF MARCH, 1970

20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st	Number of rainy days	Normal No. of rainy days	Total rainfall for the month	Average rainfall for the month	Heaviest rainfall during the month	Total rainfall from 1-3-73 to 31-1-70	Normal rainfall from 1-3-70 to 31-3-70
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
—	—	—	—	—	—	—	—	—	—	—	—	—	4.0	3.0	61.9	2.0	3.0	—
—	—	—	—	—	—	—	—	—	—	—	—	1	—	3.0	—	3.0	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	4.5	—	50.8	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	1	4.3	6.0	—	—	6.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	1.5	56.3	—	1.5	—
—	—	—	2.6	—	—	—	—	—	—	7.2	—	7	7.7	89.9	127.6	26.1	89.0	—
—	—	—	—	—	—	—	—	—	—	—	—	4	4.7	—	103.7	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	8	7.5	35.0	121.3	12.2	35.0	—
—	—	—	—	—	—	—	—	—	—	—	—	6	10.6	123.3	181.4	34.0	123.3	—
—	—	—	—	—	—	—	—	—	—	—	—	2	5.4	45.4	101.3	10.7	45.4	—
—	—	—	—	—	—	—	—	—	—	—	—	7	7.4	15.0	149.4	6.6	15.0	—
—	—	—	—	—	—	—	—	—	—	—	—	2	7.8	67.4	116.4	18.5	67.4	—
—	—	—	—	—	—	—	—	—	—	—	—	4	7.1	48.0	102.3	16.0	48.0	—
—	—	—	—	—	—	—	—	—	—	—	—	7	9.9	97.1	179.5	26.4	97.1	—
—	—	—	—	—	—	—	—	—	—	—	—	7	7.4	57.3	118.2	12.7	57.3	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	5.3	—	2.0	5.3	—
—	—	—	—	—	—	—	—	—	—	—	—	52	—	582.8	—	—	582.8	—
—	—	—	—	—	—	—	—	—	—	—	—	5	7.5	58.3	130.1	—	58.3	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	1	N.A.	12.0	N.A.	11.0	12.0	—
—	—	—	—	—	—	—	—	—	—	—	—	2	N.A.	20.0	N.A.	12.0	20.0	—
—	—	—	—	—	—	—	—	—	—	—	—	3	N.A.	27.5	N.A.	12.1	27.5	—
—	—	—	—	—	—	—	—	—	—	—	—	3	N.A.	18.8	N.A.	7.5	18.8	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	1	N.A.	4.1	N.A.	4.1	4.1	—
—	—	—	—	—	—	—	—	—	—	—	—	10	N.A.	82.4	N.A.	—	82.4	—
—	—	—	—	—	—	—	—	—	—	—	—	2	N.A.	13.7	N.A.	—	13.7	—
—	—	—	—	—	—	—	—	—	—	—	—	5	N.A.	37.6	N.A.	14.2	37.6	—
—	—	—	—	—	—	—	—	—	—	—	—	4	N.A.	31.2	N.A.	5.8	13.6	—
—	—	—	—	—	—	—	—	—	—	—	—	9	N.A.	13.6	N.A.	—	51.2	—
—	—	—	—	—	—	—	—	—	—	—	—	4	N.A.	25.6	N.A.	—	25.6	—
—	—	—	—	—	—	—	—	—	—	—	—	5	6.9	33.2	113.4	9.2	33.2	—
—	—	—	—	—	—	—	—	—	—	—	—	4	8.1	20.3	97.0	5.8	20.3	—
—	—	—	—	—	—	—	—	—	—	—	—	3	8.4	15.8	104.2	5.0	15.8	—
—	—	—	—	—	—	—	—	—	—	—	—	—	7.6	1.8	112.8	0.4	1.8	—
—	—	—	—	—	—	—	—	—	—	—	—	3	7.5	57.4	88.5	25.4	57.4	—
—	—	—	—	—	—	—	—	—	—	—	—	15	—	128.5	—	—	128.5	—
—	—	—	—	—	—	—	—	—	—	—	—	3	7.7	25.7	103.2	—	25.7	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	4	5.2	45.5	60.4	23.9	45.5	—
—	—	—	—	—	—	—	—	—	—	—	—	2	6.1	18.6	73.2	10.4	18.6	—
—	—	—	—	—	—	—	—	—	—	—	—	1	6.3	6.0	77.8	3.0	6.0	—
—	—	—	—	—	—	—	—	—	—	—	—	5	6.5	75.5	90.4	41.5	75.5	—
—	—	—	—	—	—	—	—	—	—	—	—	6	—	120.0	—	76.0	120.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	7.1	2.7	9.2	0.7	2.7	—
—	—	—	—	—	—	—	—	—	—	—	—	2	4.0	14.0	66.9	6.0	14.0	—
—	—	—	—	—	—	—	—	—	—	—	—	2	6.1	22.4	66.8	12.0	22.4	—
—	—	—	—	—	—	—	—	—	—	—	—	1	4.0	5.0	80.4	4.0	5.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	4.5	0.4	59.2	0.4	0.4	—
—	—	—	—	—	—	—	—	—	—	—	—	1	4.4	14.0	59.3	7.4	14.0	—
—	—	—	—	—	—	—	—	—	—	—	—	3	5.4	24.0	68.2	8.2	24.0	—
—	—	—	—	—	—	—	—	—	—	—	—	5	8.0	38.0	101.8	11.0	38.0	—
—	—	—	—	—	—	—	—	—	—	—	—	9	7.2	61.6	121.3	13.0	61.6	—
—	—	—	—	—	—	—	—	—	—	—	—	—	7.3	2.8	107.4	—	2.8	—
—	—	—	—	—	—	—	—	—	—	—	—	—	5.3	1.6	63.6	10.0	1.6	—
—	—	—	—	—	—	—	—	—	—	—	—	6	9.1	46.1	141.9	17.6	46.1	—
—	—	—	—	—	—	—	—	—	—	—	—	5	—	52.0	—	7.3	52.0	—
—	—	—	—	—	—	—	—	—	—	—	—	52	—	550.2	—	—	550.2	—
—	—	—	—	—	—	—	—	—	—	—	—	3	4.1	30.6	83.4	—	30.6	—

DAILY RAINFALL RECORDED IN HIMACHAL

District and Station	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Mandi:																			
Sadar	—	6.0	—	—	—	—	—	—	—	—	—	—	—	10.0	—	5.3	—	—	—
Jogindernagar	—	—	—	—	—	—	—	—	—	—	15.0	—	—	—	—	—	—	—	1.4
Sarkaghat	6.0	—	—	—	—	9.0	—	—	—	—	—	—	—	—	—	—	—	—	—
Chachiot	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sundernagar	—	—	—	—	—	—	—	—	—	4.2	2.2	—	—	6.4	—	—	—	—	1.2
Karsog	—	—	—	—	—	—	—	—	—	2.0	—	—	—	—	—	—	—	—	—
Bhangrotu	—	—	—	—	—	—	—	—	—	2.0	0.5	2.5	6.0	7.0	—	—	—	—	—
Jhungi	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Janjehli	15.0	—	—	—	3.0	—	—	—	—	—	10.0	5.0	—	5.0	—	—	—	—	—
Panjain	—	—	—	10.0	—	—	—	—	—	4.0	11.0	21.0	4.0	7.0	—	—	—	—	—
Kataula	—	—	—	—	—	—	—	—	—	5.2	3.4	—	7.2	—	—	—	—	—	—
Mandi Obs.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.
Simla:																			
Simla	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Kandaghat	—	—	—	—	—	—	—	—	—	—	6.6	0.8	5.6	3.3	6.1	—	—	—	—
Kasauli	—	—	—	—	—	—	—	—	—	—	1.3	1.8	—	—	2.5	—	—	—	—
Nalagari	—	—	—	—	—	—	—	—	—	—	1.3	—	—	1.3	—	—	—	—	—
Simla:																			
Nahan	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	16.7	—	—	—
Paonta	—	—	—	—	—	—	—	—	—	—	—	—	—	5.0	—	—	—	—	8.0
Renuka	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Pachhad	—	—	—	—	—	—	—	—	—	—	—	2.5	2.5	—	—	—	—	—	—
Bagthan	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dhaura-Kuan	1.5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2.2	—	—	—

PRADESH FOR THE MONTH OF MARCH, 1970

20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st	Number of rainy days 33	Normal No. of rainy days 34	Total rainfall for the month 35	Average rainfall for the month 36	Heaviest rainfall during the month 37	Total rainfall from 1-3-70 to 31-3-70 38	Normal rainfall from 1-3-70 to 31-1-70 39
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
—	—	—	—	—	—	—	—	—	—	—	—	3	5.1	21.3	58.1	10.0	21.3	—
—	—	—	—	—	—	—	—	—	—	—	—	3	6.6	1.4	86.6	1.4	1.4	—
—	—	—	—	—	—	—	—	—	—	—	—	3	4.8	30.0	84.8	15.0	30.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	6.1	—	81.5	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	2	5.9	14.0	80.1	6.4	14.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	6.0	2.0	82.2	2.0	2.0	—
—	—	—	—	—	—	—	—	—	—	—	—	3	6.2	18.0	72.5	7.0	18.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	6.1	—	69.3	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	6	8.3	43.0	156.9	10.0	43.0	—
—	—	—	—	—	—	—	—	—	—	—	—	6	9.0	57.0	114.1	21.0	57.0	—
—	—	—	—	—	—	—	—	—	—	—	—	4	6.0	22.1	68.7	7.2	22.1	—
N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	N.R.	5.3	N.R.	72.5	N.R.	N.R.	—
Distt. Total												27	—	208.8	—	—	208.8	—
Distt. Average												3	6.3	20.9	85.6	—	20.9	—
N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	—
2.5	—	—	—	—	—	—	—	—	—	—	—	5	N.A.	24.9	N.A.	6.6	24.9	—
5.0	—	—	—	—	—	—	—	—	—	—	—	1	N.A.	5.6	N.A.	2.5	5.6	—
Distt. Total												6	N.A.	33.6	N.A.	—	33.6	—
Distt. Average												2	N.A.	11.2	N.A.	—	11.2	—
2.2	—	—	—	—	—	—	—	—	—	—	—	1	2.3	18.9	39.3	16.7	18.0	—
8.0	—	—	—	—	—	—	—	—	—	—	—	2	2.0	13.0	31.4	8.0	13.0	—
—	—	—	—	—	—	—	—	—	—	—	—	2	2.8	8.0	51.7	8.0	8.0	—
—	—	—	—	—	—	—	—	—	—	—	—	2	3.9	5.0	49.3	2.5	5.0	—
8.0	—	—	—	—	—	—	—	—	—	—	—	1	2.1	11.7	23.7	8.0	11.7	—
Distt. Total												7	—	56.6	—	—	56.6	—
Distt. Average												1	2.6	11.3	39.1	—	11.3	—

